

ALABAMA LIQUEFIED PETROLEUM GAS BOARD

LP GAS LAWS

2004 EDITION

**INCLUDING
RULES & REGULATIONS**



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VOLUME ONE

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Section 1

Liquefied Petroleum Gas Law

§ 9-17-100. Definitions.

As used in this article, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **AUTHORITY HAVING JURISDICTION.** Alabama Liquefied Petroleum Gas Board.

(2) **BOARD.** The Alabama Liquefied Petroleum Gas Board.

(3) **BRANCH.** A local unit of an LP-gas business that is one or more of the following: a division or subdivision or a person doing business under a name other than the Class A permit holder's name; a place where the day-to-day retail operations of an LP-gas business are conducted and at which at least three of the following activities occur or conditions exist: sales of appliances, orders are taken for LP-gas repair and service; orders are taken to refill LP-gas systems either by phone or in person; employees are present during a normal workday; or a place that requires a city or county license to conduct business.

(4) **LP.** Liquefied petroleum gas.

(5) **LPG.** Liquefied petroleum gas.

(6) **LP-GAS.** Liquefied petroleum gas.

(7) **LIQUEFIED PETROLEUM GAS.** Any material having vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butanes (normal butane or isobutane), and butylenes.

(8) **LIQUEFIED PETROLEUM GAS RECOVERY FUND.** A cash surety fund designated to ensure compliance of LP-Gas laws, rules, and regulations adopted by the LP-Gas Board.

(9) **LIQUEFIED PETROLEUM GAS RESEARCH AND EDUCATION FUND.** A fund created to finance activities relating to research, development, and the implementation of marketing, advertising, and informational programs relating to LP-gas directed toward the consumer as well as for the education of industrial members and employees.

(10) **LIQUEFIED PETROLEUM GAS SYSTEM.** Any assembly consisting of one or more containers with a means for conveying LP-gas from the

container(s) to dispensing or consuming devices (either continuously or intermittently) and which incorporates components intended to achieve control of quality, flow, pressure, or state (either liquid or vapor).

11) PERSON. Every natural person, firm, copartnership, association, or corporation.

(12) RED TAG. A red card or device containing an official printed notice of the condemnation of a liquefied petroleum gas system or any connected or disconnected LP-gas component, LP-gas storage container, LP-gas container appurtenance, or LP-gas motor vehicle, transport, or delivery unit placed as a result of a violation of the liquefied petroleum gas safety code provisions and regulations, or as a result of a mechanical defect found on the LP-gas motor vehicle, transport, or delivery unit that could cause a danger to the public if allowed to continue to operate. When attached to a system or to any connected or disconnected LP-gas component, LP-gas storage container, LP-gas appurtenances, motor vehicle, transport, or delivery unit a red tag is official notice of condemnation and of the prohibition of further use, so long as the red tag remains affixed by law. (Acts 1965, No. 220, p. 305, § 1; Acts 1984, No. 84-293, p. 555, § 1; Acts 1989, No. 89-535, p. 1097, § 1; Acts 1993, No. 93-632, p. 1079, § 1; Acts 1994, No. 94-211, § 1.)

§ 9-17-101. Liquefied Petroleum Gas Board—Creation; composition; qualifications, appointment and terms of office of members; election of officers; meetings; quorum; bylaws; rules and regulations.

(a) There is created and established the Alabama Liquefied Petroleum Gas Board. The board shall be composed of eight members: The State Fire Marshall; the state Director of Public Safety; the President of the Alabama Public Service Commission; four members who are representatives of the liquefied petroleum gas retail Class A permit holders; and one member of the general public who shall be appointed by the Governor.

(b) Members of the board who are representatives of the liquefied petroleum gas retail permit holders shall have been legal residents of the State of Alabama for at least five years next preceding the date of appointment and shall have been actively engaged in the retail distribution of liquefied petroleum gas in this state for a period of at least five years. No retail Class A permit holder shall have more than one representative on the board at any one time. It is the legislative intent that no single corporation or partnership comprised of separately entities within the state, whether or not separately licensed, be represented on the board by more than one representative at any one time.

(c) From each of four substantially equal geographical areas of the state,

designated as the southeast, the northeast, the northwest, and the southwest, the Governor shall appoint one retail permit holder member of the board. Such member shall be appointed from a list of at least three nominees receiving the largest number of votes according to written ballots executed by representatives of retail Class A permit holders.

(d) In the event the Governor has not appointed a board member at the end of 90 days after the list of retail permit holders has been submitted to him or her, the person on the list having the most votes shall become the board member. In the event of a tie for the most votes, a majority vote of the board members shall determine which person of those tied shall become the board member.

(e) In the event a vacancy occurs during the term of a board member, the administrator shall call an election to fill the vacancy and the election shall be held and conducted pursuant to subsection (f). When an elected board member sells his or her LP-gas business or for any reason is no longer actively engaged in the day-to-day operation of an LP-gas business, his or her seat on the board shall be automatically vacated by the completion of the next regularly scheduled board meeting.

(f) The balloting for board members, successor members, and filling vacancies for an unexpired term of office shall be conducted by the administrator of the board under the direction and supervision of the board. For appointments and vacancies, the administrator shall forward by registered or certified mail an official ballot to each retail permit holder or his or her duly designated representative with instructions for executing the ballot and returning it to the board. The terms of all board members shall be for six years, including the consumer member and members serving on March 20, 1992, but no member shall be denied the right to succeed himself or herself and no member shall serve more than two consecutive terms of office.

(g) The board shall elect its own chairman and vice-chairman at its first regular meeting each calendar year. All meetings of the board shall be held at Montgomery, Alabama, and shall be on a prescribed date, at least quarterly, and at such time as a majority of the board members may request in writing to the board chairman. Each ex officio member of the board may appoint a designee to represent him or her at all board meetings. Any four members, or their designees, shall constitute a quorum for the transaction of any business which may come before the board. The board may adopt bylaws and rules of administrative procedure, pursuant to the Alabama Administrative Procedure Act.

(h) The board may promulgate rules and regulations having the force and effect of law to carry out this article.

(Acts 1965, No. 220, p. 305, § 2; Acts 1979, No. 79-435, § 1 p. 690; Acts 1988,

No. 88-142, p. 215, § 3; Acts 1989, No. 89-535, p. 1097, § 1; Acts 1992, No. 92-123, p. 213, § 3; Act 2004-87, § 3.)

§ 9-17-102. Liquefied Petroleum Gas Board—Compensation of members.

Board members shall receive travel expenses and per diem based at the rate that is currently prescribed by the state for its state employees, while attending official meeting of the board or while attending to official board business. Except that per diem paid to board members shall be no less than one full day's per diem, and payment shall be based on attendance at a board meeting rather than the time of arrival and departure. No member of the board shall receive per diem and expense allowance for more than 30 days in any one calendar year. (Acts 1965, No. 220, p. 305, § 3; Acts 1966, Ex. Sess., No. 231, p. 354 § 1; Acts 1979, No. 79-435, p. 690 § 1; Acts 1984, No. 84-293, p. 555, § 1; Acts 1989, No. 89-535, p. 1097, § 1.)

§ 9-17-103. Liquefied Petroleum Gas Board—Promulgation, etc., of rules and regulations; inspection of gas systems.

The board shall have the power to make and enforce rules and regulations governing the design, construction, location, installation and operation of containers, tanks, systems and equipment for storing, utilizing, handling and transporting liquefied petroleum gases and rules to secure the substantial accuracy of all meters, safety devices and regulators generally used in connection with such gases. No person shall be permitted to certify the accuracy of their own company owned meters. Said rules and regulations shall be such as are reasonably necessary for the protection of the health and safety of the public and persons using such gases, and shall be adopted pursuant to the state administrative procedure statutes. All rules and regulations shall be printed in pamphlet form and shall be mailed to all liquefied petroleum gas dealers registered with the board, and to any person upon request. In order that the administrator of the board and inspectors may determine whether or not a danger to the public or to a liquefied petroleum gas user exists, and there is reasonable cause to believe that such danger does exist, the said administrator and inspectors may enter any building or upon any premises connected to a liquefied petroleum gas system for the sole purpose of conducting an inspection or an investigation of such system. If a violation is found in conducting such inspection which is determined to be a hazard and a danger to the public or to a liquefied petroleum gas user, said administrator and inspectors shall have the power, duty and authority to shut off the liquefied petroleum gas system and to condemn the system from further use for purposes of safety until the gas system has been certified as back in compliance with adopted liquefied petroleum gas safety code standards and until the red tag is removed, or authorized to be removed, by a board appointee or employee. When a system is condemned, it shall be "red-tagged." (Acts 1965,

No. 220, p. 305, § 5; Acts 1984, No. 84-293, p. 555, § 1; Acts 1988, No. 88-142, p. 215, § 3.)

§ 9-17-104. Appointment, compensation and bond of administrator; administrator and inspectors constituted peace officers; Liquefied Petroleum Gas Board Fund; excess balances to be transferred to fund.

(a) The board shall appoint, prescribe the duties of, and fix the compensation of an administrator. Before entering upon the duties of office, the administrator shall make and file with the Secretary of State an official bond in an amount to be fixed by the board. Premiums of the bond shall be paid out of funds of the board. The bond shall be payable to the State of Alabama and shall be written by an approved insurance company qualified to do business in the State of Alabama. The board may dismiss an administrator at its discretion. The board shall adopt a seal, which shall be in the care and custody of the administrator. The board may, subject to the merit system, employ and prescribe the duties of assistants and inspectors necessary in carrying out this article. The board may, subject to the merit system, employ and prescribe the duties of assistants and inspectors necessary to carry out this article. The board may, without regard to the Merit System Act, engage and employ consultants and technical advisors considered necessary in carrying out its responsibilities.

(b) The administrator and inspectors are constituted peace officers of the State of Alabama and are clothed with the powers of peace officers and deputy sheriffs, and may exercise such powers anywhere within the state. They may issue a warning ticket or a uniform traffic citation to or arrest violators of Sections 40-17-160 to 40-17-166, inclusive, and any state or federal law or regulation adopted by the board relating to the transportation of liquefied petroleum gas and carry such violators before the district court in the county in which the violation is committed.

(c) All fees and penalties collected under this article or otherwise inuring to the credit of the board shall be deposited in the State Treasury in a fund designated the "Liquefied Petroleum Gas Board Fund," which is established by this subsection. All expenditures from the fund shall be subject to the terms, conditions, provisions, and limitations of Title 41, Chapter 4, Article 4.

(d) All balances in the fund in excess of \$200,000 at the end of each fiscal year shall be transferred to the Liquefied Petroleum Gas Research and Education Fund established in the State Treasury. The monies in the Liquefied Petroleum Gas Research and Education Fund shall be paid out only by warrant of the comptroller upon the treasurer, upon itemized vouchers, approved by the administrator; provided, that no funds shall be withdrawn or expended except as

budgeted and allotted according to the provisions of Sections 41-4-80 through 41-4-96 and Sections 41-19-1 through 41-19-12, and only in amounts as stipulated in the general appropriation or other appropriation bills each new fiscal year for research, development, and training and the implementation of marketing, advertising, and information programs relating to LP-gas. Any other appropriations, grants, or other sources of funding made available for the purpose of LP gas research and education shall be deposited in the LP Gas Research and Education Fund. (Acts 1965, No. 220, p. 305, § 4; Acts 1966, Ex. Sess., No. 231, p. 354, § 1; Acts 1979, No. 79-435, p. 690, § 1; Acts 1984, No. 84-293, p. 555, § 1; Acts 1989, No. 89-535, p. 1097, § 1; Acts 1992, No. 92-123, p. 213, § 3; Acts 1993, No. 93-632, p. 1079, § 2.)

§ 9-17-105. Classification of permits; LP-Gas Recovery Fund; proof of insurance; surety bond; exception for state agency, county, etc.; Liquefied Petroleum Gas Board Personal Bond Fund; change of permit holder's name; further local requirements prohibited.

(a) The board may issue permits to any person to engage in or continue the business of selling, distributing, storing, or transporting liquefied petroleum gases and to engage in or continue the business of selling, installing, servicing, repairing, removing, or adjusting liquefied petroleum gas containers, tanks, or systems or to perform magnetic, hydrostatic, visual, or Xray inspections of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers, and cylinders in the State of Alabama; and to prescribe the requirements of any person to obtain the permits. The board may revoke any permit issued, for cause, in the opinion of the board.

(b) The permits shall be of 10 types:

(1) PERMIT A. Shall give the holder a right to engage in or continue the business of selling, distributing, storing, or transporting liquefied petroleum gases and to engage in or continue the business of selling, installing, servicing, repairing, or adjusting liquefied petroleum gas containers, tanks, or systems at retail or installing, repairing, servicing, removing, or adjusting liquefied petroleum carburetion equipment, or to perform magnetic, hydrostatic, visual, or x-ray inspections of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers, and cylinders. Before any person engages in or continues the business of selling, distributing, storing, or transporting liquefied petroleum gases, except where the liquefied petroleum gas so handled is in quantities of less than one gallon U.S. water capacity and is an integral part of a device for its utilization, or before any person engages in the business of selling, installing, servicing, removing, repairing, or adjusting liquefied petroleum gas containers, tanks, or systems at retail or installing, repairing, servicing, removing, or adjusting liquefied petroleum carburetion equipment, or to perform magnetic, hydrostatic, visual, or x-ray inspections of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers, and

cylinders in the State of Alabama, the person shall first obtain from the board a Permit A and shall execute and file with the board the insurance and a surety in cash as herein required.

The board shall require every applicant for Permit A to present evidence to the board that the applicant has a bona fide contract or a letter of intent to sell, from a reputable supplier of liquefied petroleum gas for an amount of the gases sufficient to supply the customers the applicant has estimated that will be served. In addition to the requirement of possessing a Class A permit, persons doing business as or in a name other than the name listed on the Class A permit shall be required to have a separate Class B-I permit unless the person doing business as or in another name has a separate Class A permit for each business.

(2) PERMIT B. Shall give the holder a right to engage in or continue the business of transporting, storing, distributing and/or selling liquefied petroleum gas at wholesale or in unit quantities of 5,000 gallons or more at retail to end users or act as wholesale distributors, suppliers, or agents thereof or act as a consignor or shipper that delivers or causes LP-gas to be delivered in the State of Alabama. Before any person engages in or continues the business of transporting, storing, distributing, and/or selling liquefied petroleum gas at wholesale in any quantity to retailers or retail to end users in unit quantities of 5,000 gallons or more or to other wholesaler distributors, suppliers, or agents thereof in the State of Alabama and not being a holder of a Permit A, the person shall first obtain from the board a Permit B and shall execute and file the insurance and surety in cash as required herein, except that those wholesale distributors, suppliers, consignors, shippers, or agents thereof who only sell liquefied petroleum gas at wholesale and transport no gas in the state shall not be required to file a motor vehicle or general liability certificate of insurance with the board. Class B permit holders shall keep records and shall report monthly, and at all other times as the board shall deem necessary, all sales of liquefied petroleum gas made to retailers, end users, and to other wholesale distributors, suppliers, or agents in this state. Failure to make timely reports and pay required fees shall cause interest and penalties to be assessed as described in Section 9-17-109. Any person possessing a valid Class A permit shall not be required to obtain a Class B permit.

(3) PERMIT B-I. Shall give the holder a right to operate an individual branch, division, or subdivision or to act as an agent of a Class A permit holder to engage in or continue the business of selling, storing, or transporting liquefied petroleum gases at retail and to engage in or continue the business of selling, installing, servicing, repairing, removing, or adjusting liquefied petroleum gas containers, tanks, or systems at retail or to install, repair, remove, service, or adjust liquefied petroleum carburetion equipment, or to perform magnetic, hydrostatic, visual, or x-ray inspections of liquefied or petroleum gas storage containers and cylinders. Authorized

agents of Class B-1 permit holders who only operate off premises cylinder filling stations shall not be required to obtain a Class B-1 permit. The board or the board administrator may authorize any person to act as an agent of a Class A or B-1 permit holder to install, service, repair, adjust, or inspect liquefied petroleum gas containers, tanks, and systems without obtaining a Class B-1 permit; provided that the authorized agents have completed the board's certification requirements and the permit holder has provided the board with proof that the agents have met the insurance and surety in cash, consistent with the requirements of this section. The authorized agents shall not be required to meet the storage requirements of Section 9-17-107.

Before any person engages in or continues in the operation of an individual branch, division, or subdivision or acts as an agent of a valid Class A permit holder to sell, store, or transport liquefied petroleum gas and to sell, install, service, repair, or adjust liquefied petroleum gas containers, tanks and systems at retail, or to install, repair, service, remove, or adjust liquefied petroleum carburetion equipment, or to perform magnetic, hydrostatic, visual, or x-ray inspections of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers and cylinders, the person shall first obtain from the board a Permit B-1, meet the minimum storage requirements set out in Section 9-17-107, and shall execute and file with the board the insurance and surety in cash as herein required. Branches that were in operation when this article became law shall not be required to meet the storage requirement of Section 9-17-107. A Class B-1 permit holder shall not be required to file or maintain separate or additional insurance or surety in cash as specified by this section provided that the Class B-1 permit holder is included in the parent company's Class A permit insurance and surety in cash on file with the board.

(4) PERMIT C. Shall give the holder a right to engage in or continue the business of installing, servicing, repairing, removing, or adjusting liquefied petroleum gas piping and installing, servicing, repairing, removing, or adjusting liquefied petroleum gas appliances on the down stream side of the tank outlet valves only. Before any person engages in or continues the business of installing, servicing, repairing, removing, or adjusting liquefied petroleum gas piping, and installing, servicing, repairing, removing, or adjusting liquefied petroleum gas appliances on the down stream side of the tank outlet valves only, and not being a holder of a Permit A and B-1, the person shall first obtain from the board a Permit C and execute and file with the board the insurance and a surety in cash as herein required. A separate permit shall be required for each business location.

(5) PERMIT C-1. Shall give the holder a right to engage in or continue the business of installing, servicing, repairing, removing, or adjusting any liquefied petroleum gas motor fuel carburetion equipment, the repair of appurtenances on motor fuel containers, cylinders, or carburetion components. Before any person

engages in or continues the business of installing, servicing, repairing, removing, or adjusting liquefied petroleum gas motor fuel carburetion equipment, the repair of appurtenances on motor fuel containers, cylinders, or carburetion components in the State of Alabama, the person shall execute with the board the insurance and surety in cash herein required. A or B-1 permit holders shall not be required to obtain a Permit C-1. A separate permit shall be required for each business location.

(6) PERMIT C-2. Shall give the holder a right to engage in or continue the business of performing magnetic, hydrostatic, visual or x-ray inspections of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers and cylinders. Before any person engages in or continues the business of performing magnetic, hydrostatic, visual, or x-ray inspection of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers, and cylinders in the State of Alabama and not being a holder of a Permit A or B-1 the person shall obtain a Class C-2 Permit and execute with the board the insurance and surety in cash herein required. A separate permit shall be required for each business location.

(7) PERMIT D. Shall give the holder a right to engage in or continue the business of installing and/or repairing, or removal, of bulk storage systems of 5,000 gallons water capacity or more in single containers or in an aggregate of 5,000 gallons water capacity of a multi-container installation only. Before any person engages in or continues the business of installing bulk storage systems of 5,000 gallons water capacity or more in single containers or in a multi-container installation of an aggregate of 5,000 gallons water capacity, in the State of Alabama and not being a holder of a Permit A, the person shall first obtain from the board a Permit D and shall execute and file with the board the insurance and surety in cash as herein required. The board shall require holders of a Permit D to submit plans for any proposed installation of any liquefied petroleum gas storage facility they are planning to install that is authorized under the terms of their permit. They shall obtain approval for the location and for the plans from the administrator of the board before construction is begun. All facilities shall be constructed according to rules and regulations of the board and the completed unit shall have board approval before being used. A minimum fee of two hundred dollars (\$200) shall be paid to the board at the time the plans for each facility are presented for approval. This fee of two hundred dollars (\$200) will cover examination of the plans and one site inspection. An additional fee of fifty dollars (\$50) for each inspection trip to the site that is required shall be paid to the board before final approval is given for the facility to be used. These fees may be changed by action of the board.

(8) PERMIT E. Shall give the holder a right to engage in or continue the business of calibration and/or repair of liquefied petroleum gas liquid meters.

Before any person engages in or continues the business of calibration and/or repair of liquefied petroleum gas liquid meters, in the State of Alabama and not

being a holder of a Permit A, that person shall first obtain from the board a Permit E and shall execute and file with the board the insurance and surety in cash as herein required.

(9) PERMIT F. Shall give the holder the right to engage in or continue the business of filling LP-Gas cylinders and/or LP-Gas motor fuel containers of less than 351 pounds water capacity from a stationary filling station. Before any person engages in or continues in the business of filling LP-Gas cylinders and/or LP-Gas motor fuel containers and not being a holder or an agent of a Permit A or Permit B-1, the person shall first obtain from the board a Permit F and shall execute and file with the board the insurance and surety in cash as herein required. Owners of businesses that hold a Permit F shall ensure that only trained, qualified personnel fill cylinders that contain LP-gas. Permit F holders shall not hold a Class F-1 permit. A separate permit, surety in cash and insurance certificate shall be required for each filling station.

(10) Permit F-1. Shall give the holder the right to engage in or continue in the business of selling or filling welding or cutting gases as defined in subdivision (7) of Section 9-17-100 or selling or filling LP-gas cylinders and/or LP-gas motor fuel containers of less than 351 pounds water capacity from a stationary filling station and to transport welding or cutting gases, LP-gas cylinders, and/or LP-gas motor fuel containers. To qualify for a Class F-1 permit, the applicant shall be in the business of selling welding or cutting gas supplies and shall meet all state and federal regulations for the transportation of LP-gas. Holders of a Permit F-1 shall not sell more than 40,000 gallons of LP-gas each calendar year to be verified by purchases received in the previous 12 months in a sworn affidavit at time of renewal of the Permit F-1. Permit holders whose gallons exceed 40,000 gallons for the preceding 12 months shall meet the requirements of either the Permit A or Permit B-1, whichever permit is applicable. Permit holders who exceed 40,000 gallons in a calendar year shall be authorized to continue in the business of selling, filling, and transporting welding or cutting gases, LP-gas cylinders, and/or motor fuel containers under their Permit F-1, while the applicant is completing the requirements to obtain the proper permit provided that the permit holder has filed a completed application for the proper permit with the board. Failure to file an application for the proper permit and/or provide the required affidavit by the 31st of January after the Permit F-1 expiration date shall cause cancellation of the Permit F-1. Holders of a Permit F-1 shall not transport LP-gas in any bulk quantity. Holders of a Permit F-1 shall not operate off-permise cylinder exchanges or off-premise filling stations. Owners of businesses that hold a Permit F-1 shall ensure that only trained, qualified personnel fill or transport containers or cylinders that contain LP-gas. Before any person engages in or continues in the business of selling, transporting, or filling welding or cutting gases, LP-gas cylinders, and/or LP-gas motor fuel containers when the person is not an agent of or a holder of either a Permit A or

Permit B-1, the person shall first obtain from the board a permit F-1 and shall execute and file with the board on a form provided by the board the insurance and surety in cash as herein required. No person shall act as an agent of any Permit F-1 holder. Permit F-1 holders shall not hold a Class F permit. A separate permit, surety in cash, and insurance certification shall be required for each filling station location.

(11) The administrator may issue temporary Class B, B-1, C, C-1, C-2, D, E , F, and F-1 Permits as soon as all requirements have been met. The temporary permit shall remain in effect until the next regular board meeting, unless the board extends the effective date of any such temporary permit by official action.

(c) The board shall establish and maintain a LP-Gas Recovery Fund conditioned on full compliance with this article and the rules and regulations of the board. When the administrator has determined that there are claims against the LP-Gas Recovery Fund, there shall be a third party hearing by an administrative law judge from the office of the Attorney General to adjudicate the matter. When the appeal time has lapsed after an administrative hearing where the cash surety is determined to be in default, the administrator shall initiate action to recover the five thousand dollars (\$5,000) cash surety from the person found to be in violation of this article and transfer the cash surety into the LP-Gas Research and Education Fund. After the conclusion of the appeal time, payment shall be received in the board office within 10 days. Interest on the payment shall begin to accrue on the eleventh day at the rate of one percent per month or any fraction thereof provided that the board, for good cause shown, may waive the interest or any fraction thereof. Failure to remit payment and interest within 30 days after the expiration of the time to appeal, may result in the suspension or revocation of the person's permit and cause the administrator to transfer five thousand dollars (\$5,000) out of the LP-Gas Recovery Fund into the LP-Gas Research and Education Fund.

(1) Initial payment to the LP-Gas Recovery Fund by all permit holders, except those not required to file a cash surety shall be one hundred dollars (\$100) payable as prescribed by this article. Class C, C-1, and C-2 permit holders shall only be required to file a surety in cash for the company's initial permit. Thereafter, payment made to the LP-Gas Recovery Fund by a permit holder shall be made upon application to the board for the initial permit. Payment shall be one hundred dollars (\$100) and shall be refundable only if the application is denied or cancelled by the board.

(2) When the balance in the LP-Gas Recovery Fund is less than twentyfive thousand dollars (\$25,000), each permit holder shall, on order of the board, make a non-refundable payment to the LP-Gas Recovery Fund. The payment will be determined by the board to return the LP-Gas Recovery Fund balance to forty thousand dollars (\$40,000). Notwithstanding the foregoing, the payment shall not exceed one hundred dollars (\$100) and shall not be levied more than once in any fiscal year.

(3) If the balance in the LP-Gas Recovery Fund exceeds fifty thousand dollars

(\$50,000) at the end of any fiscal year, the administrator shall transfer the amount in excess of fifty thousand dollars (\$50,000) to the LP-Gas Research and Education Fund.

(4) If the balance in the LP-Gas Recovery Fund is insufficient to satisfy a duly authorized claim or portion of a claim, the board shall, when sufficient money has been deposited into the LP-Gas Recovery Fund, satisfy the unpaid claims or portions thereof.

(5) The sums received by the board pursuant this section shall be deposited into the State Treasury and held in a special fund to be known as the “Liquefied Petroleum Gas Recovery Fund”, and shall be held by the board in trust for carrying out the purposes of the LP-Gas Recovery Fund. These funds may be invested by the State Treasurer in any investments which are legal under the laws of this state. From time to time, the administrator of the board may cause the withdrawal of cash to be made from the LP-Gas Recovery Fund to carry out the purposes of the LP-Gas Recovery Fund. Any interest or other income from investments of the LP-Gas Recovery Fund shall be credited to the LP-Gas Recovery Fund.

(d) An applicant for any of the 10 permits shall also file with the board evidence that he or she has in force the listed insurance coverage written on standard contract forms by an insurance company or companies qualified to do business in the State of Alabama based upon those activities listed below in which he or she is engaged. Proof of insurance shall only be accepted on a form provided by the board. Proof of liability insurance for all LP-Gas cargo vehicles shall be filed on a MCS.90 form or on a form acceptable to the board.

For Class A, B and B-1 Permits; E Permits for performing calibration, and inspections of L.P. gas meters on site:

	Each Occurrence	Each Person
Insurance		
Comprehensive automobile liability covering:		
(Bodily injury liability)	\$100,000	\$50,000
(Property damage liability)	100,000	
Comprehensive general liability covering:		
(Bodily injury liability)		
(Manufacturers and contractors liability)	100,000	
(Owners and contractors protection liability)		
Insurance		
(Completed operations and products liability)		

	<u>Each Occurrence</u>	<u>Each Person</u>
For Class A, B, and B-1 permit cargo vehicles as follows:		
To 3499 water gallon capacity	\$1million	
From 3500 water gallon capacity	\$5 million	

For Class C, C-1, C-2, D, F, and F-1 permits;
and E permits only for performing in-shop
repairs to LP-gas meters:

Comprehensive general
liability covering:

(Bodily injury liability)	\$100,000
(Manufacturers and contractors liability)	
(Owners and contractors protection liability)	\$100,000
(Completed operations and products liability)	

For permit C-1 LP-gas motor fuel carburetion only:

	<u>Each Occurrence</u>	<u>Each Person</u>	<u>Each Vehicle</u>
Garage liability, one Direct/primary to include: comprehensive general liability (Bodily injury liability) (Manufacturers and contractors liability) (Owners and contractors protection liability) (Completed operations and product liability)	\$100,000	\$50,000	\$50,000

Garage liability, one
Direct/primary to include:
garage keepers
legal liability

\$50,000

(e) In lieu of filing with the board evidence that the insurance coverage, as outlined above, is in force, the holder of or applicant for a permit described herein may file with the board a good and sufficient surety bond executed by an insurance company qualified to do business in this state, in an amount sufficient to satisfy the

requirements of [subsection (d)]. The bond shall be payable to the State of Alabama and shall be conditioned to guarantee the payment of all damages which proximately result from any act of negligence on the part of any person or his or her agents, servants, or employees while engaging in any of the activities specified in this section. In lieu of the surety bond, any person may execute and file a good and sufficient personal bond, in the amount and conditioned as above specified, which personal bond shall be secured by bonds or other obligations of the State of Alabama or the United States government of equal value. Evidence of required insurance issued by an insurance company shall be filed on a form provided by the board. When a surety bond, personal bond, or other obligations of equal value is used in lieu of evidence of the required insurance coverage, the surety bond, personal bond, or other obligation of equal value shall remain on deposit in the State Treasury in the Liquefied Petroleum Gas Board Personal Bond Fund until at least 365 days have lapsed and there are no claims against the bonds or obligations of equal value. The administrator may issue a refund of the bonds or obligations of equal value from the bond fund after proper application has been submitted. When the administrator has notice of a claim filed against the monies or other obligations of equal value held in lieu of an insurance contract, the administrator shall deliver to the court, interplead and deposit with the court the amount of money or obligations held, the administrator and the Liquefied Petroleum Gas Board shall be discharged from liability as to any claim, and the action shall continue as between the claimants of the monies or properties. If the matter is adjudicated before 365 days have lapsed, the court shall return any balance of any money or obligation to the Liquefied Petroleum Gas Board Personal Bond Fund.

(f) Any state, county, or any incorporated municipality or agency, or instrumentality thereof and any industrial user who makes application and possesses a Class C permit shall not be required to file with the board a surety in cash, provided that all of the servicing, repairing, adjusting, removing, and installing of LP-gas equipment, appliances, and systems is only being accomplished on their own LP-gas equipment, appliances and systems.

(g) There is hereby created in the State Treasury a fund to be designated as the “Liquefied Petroleum Gas Board Personal Bond Fund” into which cash bonds or other obligations shall be deposited and from which the bonds shall be removed or refunded by the administrator at the appropriate time. The monies or other obligations in the bond fund shall not revert to the General Fund at the end of each state fiscal year, but shall be carried over into each subsequent state fiscal year and disbursed as provided in this section.

(h) Whenever a Class A, B or B-1 permit holder’s company name has changed, all vehicles and equipment assigned to the company shall be relettered with the new company name as follows: by the annual renewal of the company permit or within 180 days of the name change, whichever is greater, provided, for good cause

shown the board may extend the date by official action. Unmarked LP-gas delivery cargo vehicles or equipment placed in operation shall be lettered and placarded as required by the applicable section of the Code of Federal Regulations, Title 49, within 90 days of the date the vehicle was first placed into operation within this state. Vehicles and equipment not lettered with the company name within the described period shall be removed from service until the proper company name is affixed to the vehicle or equipment by the owner.

(i) Counties, municipalities, or other local entities are prohibited from requiring any further local testing or other requirements of LP-gas servicemen, certified by the LP-gas board, subject to the payment of any applicable local privilege, license, or business fees or charges. (Acts 1965, No. 220, p. 305, § 6; Acts 1979, No. 79-435, p. 690 § 1; Acts 1984, No. 84-293, p. 555, § 1; Acts 1988, No. 88-142, p. 215, § 3; Acts 1989, No. 89-535, p. 1097, § 1; Acts 1992, No. 92-123, p. 213, § 3; Acts 1994, No. 94-211, p.283§ 2, Acts 1997, No. 97-685p.1361, § 1).

§ 9-17-106. Permit fees; report and payment of fees by certain end users, supplier, permit holders; invoice cost; exemption from Section 40-12-84.

(a) *Fees for Permit A and Permit B.* Every applicant for a Permit A or a Permit B, at the time of issuance, shall pay to the board a fee of three hundred dollars (\$300) and annually thereafter pay to the board a fee of two hundred dollars (\$200). Permits and fees shall be due on October 1 and delinquent after October 31 of each year.

Every person required to renew permits and pay fees who fails to do so by the delinquent date shall incur a penalty of ten dollars (\$10) for each day he or she is delinquent in complying with this section, and the penalty shall be paid to the board before the issuance of the permit. Delinquency shall be determined by the United States Postal Service postmark when the date on the postmark falls on a later date than the delinquent date.

(b) *Fees for Permit B-1.* Every applicant at the time of issuance, shall pay to the board a fee of one hundred dollars (\$100) and annually thereafter pay to the board a fee of one hundred dollars (\$100). The permits and fees shall be due on October 1 and delinquent after October 31 of each year.

Every person who is required to renew permits and who fails to pay the fees by the delinquent date, shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for the delinquency and submits payment of the regular fee of one hundred dollars (\$100) plus a penalty of fifty dollars (\$50). The fees and penalties shall be paid to the board before the permit shall be reissued. Delinquency shall be determined by the United States Postal Service postmark when the date on the postmark falls on a later date than the delinquent date. After a permit has been cancelled for six

months, the permit shall be applied for in the manner previously set by the board.

(c) *Fees for Permit C.*—Every applicant for a Permit C shall at the time of issuance of the permit by the board and annually thereafter pay to the board a permit fee of fifty dollars (\$50). The permit and fees shall be due January 1 and delinquent after January 31 of each year.

Every person required to renew a permit and who fails to do so by the delinquent date shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and submits payment of the regular fee of fifty dollars (\$50) and penalty of twenty-five dollars (\$25). After six months the person may reapply in the manner previously set by the board.

(d) *Fees for Permit C-1.* Every applicant for a Permit C-1 shall, at the time of issuance of the permit by the board, and each year subsequently, pay to the board a permit fee of fifty dollars (\$50). The permit and fees shall be due January 1 and delinquent after January 31 of each year.

Every person required to renew a permit, and who fails to do so by the delinquent date, shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for the delinquency and submits payment of the regular fifty dollar (\$50) fee and penalty of twenty-five dollars (\$25). After six months the person may reapply in the manner previously set by the board.

(e) *Fees for Permit C-2.*—Every applicant for a Permit C-2 shall, at the time of issuance of the permit by the board, and each year subsequently, pay to the board a permit fee of one hundred dollars (\$100). The permit and fees shall be due January 1 and delinquent after January 31 of each year.

Every person required to renew a permit, and who fails to do so by the delinquent date, shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for the delinquency and submits payment of the regular fee of one hundred dollars (\$100) and a penalty of twenty-five dollars (\$25). After six months, the person may reapply in the manner previously set by the board.

(f) *Fees for Permit D.*—Every applicant for a Permit D shall at the time of issuance of the permit by the board and annually thereafter pay to the board a permit fee of two hundred fifty dollars (\$250). The permit and fees shall be due January 1 and delinquent after January 31 of each year.

Every person required to renew a permit and who fails to do so by the delinquent date shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and submits payment of the regular fee of two hundred fifty dollars (\$250) and a penal-

ty of fifty dollars (\$50). After six months the person may reapply in the manner previously set by the board.

(g) *Fees for Permit E.*—Every applicant for a Permit E shall at the time of issuance of the permit by the board and annually thereafter pay a permit fee of fifty dollars (\$50). The permit fees shall be due on January 1 and delinquent after January 31 of each year.

Any person required to renew a permit and who fails to do so by the delinquent date shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and submits a payment of the regular fee and a penalty of twenty-five dollars (\$25). After six months the person may reapply in the manner previously set by the board.

(h) *Fees for Permit F and F-1.*—Every applicant for a Permit F and F-1 shall at the time of issuance of the permit by the board and annually thereafter pay a permit fee of one hundred dollars (\$100). The permit fees shall be due January 1 and delinquent after January 31 of each year. Filling stations that are owned by Class A or Class B-1 Permit holders or operated by agents of Class A or Class B-1 Permit holders are exempt from obtaining a Class F Permit.

Every person required to renew a permit and who fails to do so by the delinquent date shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and submits payment of the regular fee of one hundred dollars (\$100) and a penalty of fifty dollars (\$50). After six months the person may reapply in the manner previously set by the board. Class F and F-1 Permit holders shall keep records, report monthly sales of out-of-state motor fuel, and remit required fees by the twentieth of the months following the sales. Failure to make timely reports and pay required fees shall require interest and penalties to be assessed as described in Section 9-17-109.

(i) In the event that an end user located within the State of Alabama purchases or obtains liquefied petroleum gas on which the permit fees required by this article have not been paid, the end user shall be required to report to the board the cost of any liquefied petroleum gas purchased during each period from October 1 to September 30 each year and shall pay to the board any fees that are due.

All end users who purchase liquefied petroleum gas in unit quantities of 5,000 gallons or more shall furnish the board with written information concerning any purchases as may be requested by the board.

(j) Any supplier who sells liquefied petroleum gas to any marketer or any end user in the state or who delivers or causes to be delivered liquefied petroleum gas to any point in the state, shall report to the board all sales by the twentieth of the month following the month in which the sales are made. Each supplier shall add to each individual sales invoice an LP-gas fee not to exceed one-half of one cent per

gallon. This fee shall be assessed only once per gallon. Each supplier shall remit to the board all money collected with the required monthly report.

The board may, from year to year, lower or raise the LP-gas fee imposed by this article.

At no time may the board raise the LP-gas fee imposed by this article above the rate of one-half of one cent per gallon.

(k) Any permit holder who sells or otherwise exchanges liquefied petroleum gas in the State of Alabama not otherwise covered under this article shall report to the board the number of gallons sold or exchanged by the twentieth of the month following the month such sales or exchanged were made. The permit holder shall submit to the board the LP-gas fee as specified by the board not to exceed one-half of one cent per gallon.

(l) Where a Class A or B-1 permit holder buys liquefied petroleum gas in the State of Alabama and pays the required fees on the liquefied petroleum gas and the Class A or B-1 permit holder sells the gas to end users outside the State of Alabama, the board may issue a credit or refund of the amount of the fee upon proper application to the board; provided, that the liquefied petroleum gas delivered to the out-of-state end user shall be transferred from the permit holder's storage facilities located within the State of Alabama. The application shall be submitted to the board no later than 30 days following the end of each fiscal quarter. Failure to make a timely application shall result in forfeiture of the fee.

(m) Class A, B, B-1, C, and D permit holders who are licensed by this board to install gas piping shall be exempt from the requirement of Section 40-12-84 if they only install gas piping.

(Acts 1965, No. 220, p. 305, § 7; Acts 1979, No. 79-435, p. 690, §1; Acts 1984, No. 84-293, p. 555, § 1; Acts 1986, No. 86-531, p. 1029; Acts 1989, No. 89-535, p. 1097, § 1; Acts 1994, No. 94-211, p. 283, § 2; Acts 1997, No. 97-685, §; Act 2004-87, § 3; Act 2004-489, § 1.)

§ 9-17-107. Requirements as to storage capacity; exemption; submission of plans; construction requirements; fees.

(a) The board shall require that every applicant for a Permit A have located within the State of Alabama a minimum of 30,000 (water gallon capacity) gallons storage capacity for liquefied petroleum gases. Class B-1 permit holders shall be required to have a minimum of 18,000 (water gallon capacity) gallons storage capacity of liquefied petroleum gas. However, persons who are valid agents of a Class A permit holder who sell only welding gases that qualify as liquid petroleum

gas under Section 9-17-100, shall be exempt from the minimum storage requirements under this section.

(b) If the 30,000 gallon (water capacity) storage consists of more than one container, then no storage container in any installation used to meet this requirement of the law shall be a size less than 6,000 gallon (water capacity) and the storage capacity required by this section of the law shall be within close proximity to the area serviced and used by the applicant to service his customers in the State of Alabama.

(c) The board shall require that such person shall submit plans for the proposed bulk storage facility to the office of the board and obtain approval by the administrator of such plans before construction is begun. All such facilities must be constructed according to rules and regulations of the board and the completed unit must have board approval before being used.

(d) If the holder of a Permit A or Permit B-1 submits plans to the board for a storage plant that shall remain his property even though the plant be at a customer's site or if the plant to be built is to be used as part of his own distribution system, then there will be no additional fees for approval and inspection of this facility; however, if this permit holder undertakes to install a bulk storage system of 5,000 gallons water capacity or more in single containers or in multi-container installation of an aggregate of 5,000 gallons water capacity, he must obtain approval for the location and for the plans from the administrator of the board before construction is begun. When plans for the bulk storage plant described above are submitted to the board for approval, a fee of \$200.00 must be paid at the same time. This fee of \$200.00 will cover examination of the plans and one site inspection. An additional fee of \$50.00 for each inspection trip to the site, that is required, shall be paid to the board before final approval is given for the facility to be used. These fees may be changed by the board. (Acts 1965, No. 220, p. 305, § 8; Acts 1979, No. 79-435, p. 690, § 1; Acts 1989, No. 89-535, p. 1097, § 1; Acts 1992, No. 92-123, p. 213, § 3.)

§ 9-17-108. Directive order of discontinuance; appeal; injunction; hearings by board; imposition of penalties.

(a) Due to the inherent nature of liquefied petroleum gas which could cause a danger to the public or to a liquefied petroleum gas user, the board or the board administrator shall have the administrative authority to issue a written directive order requiring any person who violates any of the provisions of this article as amended from time to time or any rule or regulation promulgated by the board to discontinue the operation of any LP-Gas business or LP-Gas system immediately and prohibit such person from commencing operations until said violations have been corrected. When a written directive is issued by the board or the board administrator, it shall be immediately complied with by the recipient. When a

directive order has been issued against a person, the recipient may, within five days, appeal to the circuit court of the county in which the said violations occurred. The circuit court shall within 10 days review such written directive and file a decision thereon and unless, by the authority of said court, the directive is revoked or modified, it shall remain in full force and be complied with within the time fixed in the said directive or by decision of the circuit court. Any person who feels himself aggrieved by the decision of the circuit court may, within the time provided by law after the issuance of the decision of the circuit court, file an appeal with the court of civil appeals to review such decision or judgment. Such parties as shall file an appeal shall file a bond in the amount fixed by the court or by law and unless said directive is revoked or modified by the court of civil appeals the directive shall be complied with in the time fixed by said directive or by decision of the court of civil appeals.

(b) Any person engaging in the state of Alabama in any of the businesses defined in section 9-17-105, without first having secured a permit as provided by section 9-17-105 or who shall have been convicted of a second or subsequent offense of violating any of the provisions of this article or any rule, order or regulation promulgated pursuant hereto may be enjoined from engaging in such business in the state of Alabama for a period of not less than one nor more than five years, and the board, through the district attorneys or attorney general, may institute such action in courts of competent jurisdiction of this state without the necessity of posting bond.

(c) The board is authorized to hold hearings, call witnesses, administer oaths, take testimony and obtain evidence in the conduct of its business. It is further authorized to impose monetary penalties and take such disciplinary actions as are authorized. (Acts 1965, No. 220, p. 305, § 10; Acts 1989, No. 89-535, p. 1097, § 1.)

§ 9-17-109. Penalties for violations of provisions of article, rules, etc.; suitable records of transactions to determine amount of fees required; notice of assessment and hearing; filling of containers; notification of LP-gas dealer concerning service performed.

(a) Any person violating this article or any rule, order, or regulation promulgated pursuant to this article shall, on conviction thereof, be fined not more than \$1,000 and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months. Every violation of this article or any rule, order, or regulation promulgated pursuant to this article shall constitute a separate offense.

(b) Every person subject to the fees imposed by Section 9-17-106 shall keep and preserve suitable records of all liquefied petroleum gas transactions subject to fees and any other books or accounts necessary to determine the amount of fees for

which the person is liable under this article. Those records shall be retained for a period of not less than three years, and shall include the name, address of buyer, date of sale, amount of gallons purchased, cost per gallon, total amount of sale, and the amount of fees collected under Section 9-17-106. The board, the board administrator, or employees of the board may inspect, review, and copy or detain any original records, notes, or documents either written or electronically transcribed that are required to be kept by this article or that relate to the selling, storing, transporting, installing, servicing, testing, inspecting, repairing, adjusting, and calibrating of LP-gas meters, containers, tanks, or systems. Those records, notes, or documents shall be turned over to the board at a location designated by the board within 24 hours of the notice or within a reasonable time in excess of 24 hours set by the board or board administrator in cases of hardship.

(1) If any person fails to report and remit fees required in Section 9-17-106, the board shall issue a written order by registered or certified mail to the person to report and remit those fees. If the person fails or refuses to make the report and remittance within 30 days following the order, the board shall make the report based upon any information it reasonably obtains, shall assess the fees due thereon, and shall add a penalty of 25 percent of the fees due, as assessed by the board, and interest at the rate of one and one-half percent per month, or fraction thereof, from the date the fees were originally due. If a good and sufficient reason is shown for the delinquency, the board may waive or remit the 25 percent penalty or a portion thereof.

(2) Any person who reports but fails to pay the fees levied in Section 9-17-106 within the time required by this article shall pay, in addition to the fees, a penalty of 10 percent of the amount of the fees due, together with interest thereon at the rate of one and one-half percent per month or fraction thereof from the date at which the fees levied in this section became due and payable. The penalty and interest shall be assessed and collected as part of the fee. The board, for good cause shown, may waive or remit the 10 percent penalty or any portion thereof.

(3) As soon as practicable after the report is filed, the board shall examine and ascertain the proper amount of the fee as shown by the report. Any excess shall be refunded to the person who filed the report or credited on any deficiency previously due. If the amount paid is deficient, as shown by the report, the board shall immediately notify the persons of the deficiency and shall add a penalty of 10 percent of the amount due. If the deficiency is not paid within 30 days from the date of notice, interest shall accrue on the deficiency at the rate of one and one-half percent per month or fraction thereof, from the date the fee was due and shall be collected as part of the fee. The board, for good cause shown, may waive or remit the penalty or any portion thereof.

(4) When the board ascertains from examining and auditing the records of a

person who collects the fee or from other information that the amount or amounts previously paid by the person for any period or periods is incorrect, the board shall compute the correct amount of fees due. If it appears that the amount paid is excessive, the excess shall be refunded or credited on any deficiency previously due by the person as required by this article. If it appears that the amount paid is deficient, the board shall notify the person, and shall demand payment. If payment is not paid within 15 days from date of demand, the board shall add a penalty of one and one-half percent per month from the date the fees, or any part thereof, becomes due. If the board finds a willful or fraudulent intent to evade the fees due, it may assess a penalty of 25 percent of the fees. The penalty shall be reviewable on appeal.

(c) When the board makes an assessment as provided in Section 9-17-106, the board shall notify the person by registered or certified mail of the amount of the assessment and shall notify the person to appear at a hearing of the board at the board office on a day named not less than 20 days from date of the notice to show cause why the assessment should not be final. The appearance may be by an agent or attorney. If no response is made on or before the date of the hearing, or if the response is not sufficient in the judgment of the board, the assessment shall be made final in the amount originally fixed or in any amount determined by the board to be correct. The board shall notify the person of the final assessment. A notice by the United States mail, addressed to the last known place of business, shall be sufficient.

Any person who has duly appeared and protested an assessment may appeal the final assessment of the board. A hearing on the appeal shall be held at a time and place designated by the board. No appeal shall lie in cases if the person has failed to appear and protest.

Any assessment made by the board shall be deemed correct, prima facie, on appeal.

(d) Liquefied petroleum gas containers may be filled only by the owner or upon the owner's authorization. The owner of a liquefied petroleum gas container is responsible for its suitability for continual service. Any person who fills or refills any LP-gas container or who, without authorization, turns any liquefied petroleum gas system on after it has been inspected, shut down, and condemned for safety violations, or operates an LP-gas motor vehicle, transport, or delivery unit that has been condemned for safety purposes or mechanical defects and red-tagged under authority of the liquefied petroleum gas board, or removes any red tag without authorization from the board administrator, or any person who authorizes an unqualified person to install or replace gas piping or install, connect, repair, or service any LP-gas equipment is guilty of a Class B misdemeanor as defined in Title 13A, and, upon conviction, shall be punished as provided by law

(e) LP-gas dealers holding Class A or Class B-1 permits have special knowledge and expertise in performing installations, maintenance, repairs, adjustments, and services to liquefied petroleum gas appliances such as ranges, water heaters, heaters, containers, and LP-gas systems. To ensure the safety of Alabama's consumers of LP-gas services, any consumer who desires to install, repair, maintain, adjust, or service any liquefied petroleum gas appliance, including, but not limited to, ranges, water heaters, containers, heaters, and LP-gas systems, shall notify the LP-gas dealer who regularly supplies such consumer with LP-gas of his or her intention to employ someone other than the LP-gas dealer to perform such installation, repair, maintenance, adjustment, or service prior to the installation, maintenance, repair, adjustment, or service being performed. The consumer shall thereby afford the LP-gas dealer with an opportunity to first install, repair, maintain, adjust, or service the LP-appliance before resorting to someone other than his or her LP-gas dealer who regularly supplies LP-gas.

- (1) In the event the consumer suffers injury, damage, or loss as a proximate consequence of a negligent installation, repair, maintenance, adjustment or service of any LP-gas appliance, or on any component thereof, and such consumer has not first notified and afforded the opportunity to install, repair, maintain, adjust, or service to the LP-gas dealer who regularly supplies his or her system with LP-gas, no legal action shall be commenced against such LP-gas dealer.
- (2) In the event the consumer suffers injury, damage, or loss as a proximate consequence of the consumer using his or her equipment or appliance in a manner or for a purpose other than that for which the equipment or appliance was intended, no legal action shall be commenced against his or her LP-gas dealer.
- (3) All LP-gas dealers are required to document and maintain in writing all notices received from consumers for a period of not less than five (5) years. Any LP-gas dealer who is found not to have maintained such notices in writing as required by this statute shall be guilty of a Class B misdemeanor pursuant to § 13A-5-3(c)(2), Code of Alabama, 1975, and shall be punished according to § 13A-5-7(a)(2), Code of Alabama, 1975, and fined according to § 13A-5-12(a)(2), Code of Alabama, 1975.

(f) No LP-gas dealer shall be subject to any award of punitive or exemplary damages, except in those cases falling within Sections 6-5-391 and 6-5-410, Code of Alabama, 1975, except upon a showing by clear and convincing evidence of gross negligence or willful or wanton misconduct. (Acts 1965, No. 220, p. 305, § 9; Acts 1979, No. 79-435, p. 690, § 1; Acts 1984, No. 84-293, p. 555, § 1; Acts 1989, No. 890535, p. 1097, § 1; Acts 1993, No. 93-632, p. 1079, § 3.)

§ 9-17-110. Creation of Liquefied Petroleum Gas Research and Education Advisory Committee.

- (a) The Liquefied Petroleum Gas Research and Education Advisory Committee is created. The committee shall consist of five members as follows: Two members shall be industrial members of the LP-Gas Board appointed by the board chair; two members shall be either a dealer or a dealer's manager who is a member of the Alabama Propane Gas Association appointed by the association's Board of Directors; the fifth member shall be the chair of the LP Gas Board who shall serve as chair of the committee. The board administrator shall serve as the executive director of the committee.
- (b) The term of office of the appointed committee members shall be one year. Members may serve successive terms. Appointed members of the committee shall take office on the date of the July board meeting each year.
- (c) No member of the committee shall receive per diem or expense allowance.
- (d) The committee may adopt all necessary rules relating to research and education of the public as well as industrial members and employees regarding the use of LP-gas.
- (e) No single corporation or partnership comprised of separate entities within the state, whether or not separately licensed, may be represented on the committee by more than one representative at any one time.
- (f) The Liquefied Petroleum Gas Research and Education Fund may be used by the committee and administered by the LP-Gas Board administrator to pay for activities relating to LP-gas, including the following direct and indirect costs:
 - (1) Research of all possible uses of LP-gas to enhance air quality.
 - (2) Research, development, and implementation of marketing, advertising, and informational programs relating to LP-gas to make LP-gas more understandable and readily available to consumers.
 - (3) Development of conservation and distribution plans to minimize the frequency and severity of disruptions in the supply of LP-gas.
 - (4) Development of a public information plan to provide advisory services relating to LP-gas to consumers.
 - (5) Development of voluntary participation plans to promote the use of LP-gas by federal, state, and local agencies.

- (6) Development and administration of educational programs relating to LP-gas safety, research, and other related programs directed towards the consumer, industrial members, and employees.
- (7) Other functions the committee determines are necessary to add to a program established by the committee for the purpose of promoting the use of LP-gas.
- (8) The administrative costs incurred by the committee under this section.
- (9) The making of grants, contracts, and appropriations as approved by the committee to fund comprehensive LP-gas research and education programs, seminars, and workshops and for providing rebates for the purpose of promoting the use of LP-gas. (Acts 1965, No. 220, p. 305, § 11; Acts 1979, No. 79-435, p. 690, § 1; Acts 1993, No. 93-632, p. 1079, § 3; Acts 1997, No. 97-685, p. 1361, § 1.)

Notes

Section 2

LP-Gas Room Heaters.

§ 9-17-120. Definitions

For the purposes of this article, the following words shall have the following meanings:

(1) LP-GAS. Liquefied petroleum gas as defined in Section 9-17-100.

(2) USED MANUFACTURED HOME. A manufactured home which is not being sold or offered for sale as new, and is used for residential purposes. (Acts 1994, No. 94-706, p. 1369, § 1; Acts 1995, No. 95-146, p. 208, § 1.)

§ 9-17-121. Installation of heaters—residences.

The following LP-Gas room heaters may be installed in a residence that is a one- or two-family dwelling and that is not a manufactured home (mobile home) or a modular home as provided in this section:

(1) One listed wall-mounted LP-Gas unvented room heater equipped with an oxygen depletion safety shut-off system may be installed in the bathroom of a residential one- or two-family dwelling provided that the input rating shall not exceed 6000 BTU per hour and combustion and ventilation air is provided in accordance with paragraph 6.1(b) of the National Fuel Gas Code, NFPA 54.

(2) One listed wall-mounted LP-Gas unvented room heater equipped with an oxygen depletion safety shut-off system may be installed in the bedroom of a residential one- or two-family dwelling provided that the input rating shall not exceed 10,000 BTU per hour and combustion and ventilation air is provided as specified in paragraph 6.1(b) of the National Fuel Gas Code, NFPA 54. (Acts 1994, No. 94-706, p. 1369, § 2.)

§ 9-17-122. Installation of heaters—used manufactured homes.

The following LP-Gas room heaters may be installed in a used manufactured home as follows:

LP-Gas listed vented room heaters equipped with a 100 percent safety pilot and a vent spill switch or LP-Gas listed unvented room heaters equipped with factory equipped oxygen depletion safety shut-off systems may be installed in a used stationary manufactured home (mobile home) but not in sleeping quarters or bathrooms in the manufactured home (mobile home) when the installation of the heater is not prohibited by the appliance manufacturer and when the input rating of the room heater does not exceed 20 BTU per hour per cubic foot of space and combustion and ventilation air is provided as specified in Section 5.3 of the

National Fuel Gas Code, NFPA 54. All room heaters installed pursuant to this section shall be securely anchored to the wall or floor. (Acts 1994, No. 94-706, p. 1369, § 3.)

§ 9-17-123. Enforcement.

This article shall be enforced by the Liquefied Petroleum Gas Board. (Acts 1994, No. 94-706, p. 1369, § 4.)

§ 9-17-124. Reference to National Fuel Gas Code.

Any reference to the National Fuel Gas Code, NFPA 54, shall include any future changes to the code when adopted by the Liquefied Petroleum Gas Board. (Acts 1994, No. 94-706, p. 1369, § 5.)

§ 9-17-125. Preemption of local law.

This article shall preempt any local law or any ordinance or authority of any local governing body to regulate the subject matter of this article and no local law or ordinance or authority of any local governing body shall supersede this article. (Acts 1994, No. 94-706, p. 1369, § 6.)

Section 3

Liquefied Petroleum Gas Fuel Tax

§ 40-17-160. Flat fee on vehicles using liquefied petroleum gas or natural gas as fuel.

In lieu of an excise tax on liquefied petroleum gas and natural gas used to propel motor vehicles over the highways of this state, there is hereby levied an annual flat fee on the following classes of vehicles which require a motor vehicle license using liquefied petroleum gas or natural gas as fuel. For all other purposes other than the excise tax, the terms “liquefied petroleum gas” and “natural gas” shall be included with the term gasoline as defined in Section 40-17-30:

Class 1. Passenger automobiles, vans, and trucks and pickups
under one ton \$ 75.00

Class 2. Recreational vehicles and vans and trucks one ton or
over but with a rear axle carrying capacity of less than
14,000 pounds \$ 85.00

Class 3. Bobtail trucks and equivalent vehicles to be defined as
any other vehicle having the capacity of carrying a loaded
rear axle weight of 14,000 pounds or more . . . \$150.00

Class 4. Tractor/trailer units. \$175.00

(Acts 1980, No. 80-739, p. 1503, § 1; Acts 1981, 3rd Ex. Sess., No. 81-1136, p. 409, § 1.)

§ 40-17-161. Annual decal from Liquefied Petroleum Gas Board; reduced fee for vehicles acquired, etc., after September 30 and after December 31; ten-day application period after conversion; display of decal indicating use of liquefied petroleum gas as fuel; penalties.

(a) Every person owning and/or operating such vehicles shall make application for and obtain an annual decal from the Liquefied Petroleum Gas Board which shall serve as an identification marker that said flat fee has been paid. Each decal issued by the Liquefied Petroleum Gas Board shall not exceed a cost of \$5. The decal shall be in such form and of such size as the Liquefied Petroleum Gas Board shall prescribe. Such decal shall be attached or affixed to the vehicle in the place and manner prescribed by the Liquefied Petroleum Gas Board. The first decals provided for in this chapter shall be issued October 1, 1980, for a term of six months and thereafter the term of the decals shall begin at April 1 of each year and expire on March 31 of the following year. If any passenger automobile or truck is acquired, liquefied petroleum gas or natural gas system installed or vehicle put in operation after September 30 the fee shall be one-half the flat fee stated in Section 40-17-160, or after December 31, the fee shall be one-fourth of the flat fee stated in Section 40-17-160. Owners of all newly converted vehicles must apply for the required decal as provided for in Section 40-17-160 within 10 days of the

completion date in which the liquefied petroleum or natural gas system was installed on the vehicle. Failure to submit an application within the 10-day period requires the payment of penalties as prescribed by Section 40-17-164.

(b) In order to easily identify vehicles using liquefied petroleum gas as a motor fuel to police, fire and rescue members, a decal reading “Powered by Liquefied Petroleum Gas” shall be prominently displayed on the rear of any vehicle using liquefied petroleum gas as a motor fuel. The decal colors shall be blue with a white background with the letters no smaller than one inch in size. Provided, however, that such decal shall not be required on liquefied petroleum gas bobtail delivery units.

The board administrator and the board inspectors shall have the power and authority to issue a uniform traffic citation to any person violating the provisions of this section. For the purpose of enforcing this section, there shall be prima facie evidence that a connected, operational liquefied petroleum gas carburetion system, which is part of a dual or switchable gasoline-liquefied petroleum gas system, has been in use, if there is liquefied petroleum gas in the liquefied petroleum gas tank. Any violation of the provisions of this section shall constitute a Class B misdemeanor as defined in Title 13A, and shall be punished as provided by law. (Acts 1980, No. 80-739, p. 1503, § 2; Acts 1981, 3rd Ex. Sess., No. 81-1136, p. 409, § 1.)

§ 40-17-162. Remittance of flat fee and cost of decal; disposition of proceeds.

Every person required to make application for and receive a decal under this chapter shall at the time of making said application remit to the Liquefied Petroleum Gas Board the total amount of the flat fee due plus the cost of the decal issued. The proceeds of the flat fee shall be deposited by the Liquefied Petroleum Gas Board in the State Treasury to the credit of the Public Road and Bridge Fund. The proceeds of the decal issuance fee shall be deposited in the State Treasury to the credit of the Liquefied Petroleum Gas Board Fund. Any administration costs relating to such decals shall be paid by the Liquefied Petroleum Gas Board from such fees collected. Said costs are hereby appropriated from the Liquefied Petroleum Gas Board Fund. (Acts 1980, No. 80-739, p. 1503, § 3.)

§ 40-17-163. Rules and regulations.

The Liquefied Petroleum Gas Board is authorized to promulgate any rules and regulations necessary to carry out the provisions of this chapter. (Acts 1980, No. 80-739, p. 1503, § 4.)

§ 40-17-164. Penalty for failure to timely obtain decal; disposition of penalty.

Any person who fails to obtain a current decal within 30 days of the date said decal is required as provided in this chapter, shall be liable for a penalty of 20 percent of the fee required at the date decal is purchased in addition to the fee. Said penalty shall be paid at the same time and in the same manner as the flat fee; and such penalty shall be deposited by the Liquefied Petroleum Gas Board in the State

Treasury, to the credit of the Liquefied Petroleum Gas Board Fund. (Acts 1980, No. 80-739, p. 1503, § 5.)

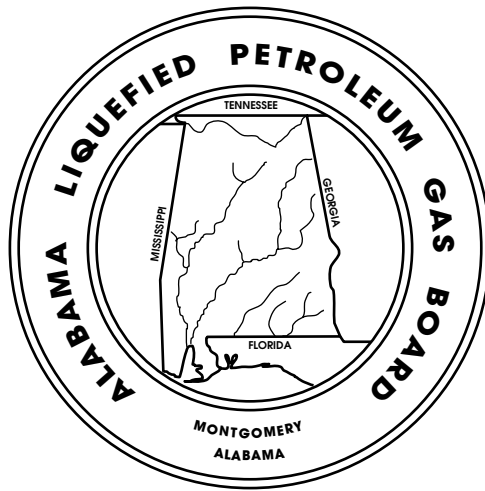
§ 40-17-165. Tax on out-of-state vehicles; remittance; purchase of decals for out-of-state vehicles.

If an out-of-state vehicle comes to a propane or natural gas dealer or supplier in the State of Alabama to purchase fuel, the dealer must collect in lieu of any fees levied by this chapter an amount equal to the current Alabama motor fuel tax in effect as prescribed by Sections 40-17-2 and 40-17-220 and remit these funds to the Alabama LP-gas board before the 20th of the following month after the date of the sale. Decals for out-of-state vehicles can be purchased with decal fees and issue fees to be paid as prescribed by Sections 40-17-160 and 40-17-161. (Acts 1980, No. 80-739, p. 1503, § 6; Acts 1981, 3rd Ex. Sess., No. 81-1136, p. 409, § 1.)

§ 40-17-166. Exemption of certain vehicles from excise tax.

Any vehicles of the classes described in Section 40-17-160 owned by the state, county, or any incorporated municipality or agency, or instrumentality thereof, or any vehicle not requiring a license plate or motor vehicle license, including but not limited to forklift trucks and agricultural vehicles, shall be exempt from any excise tax levied by the provisions of this chapter. (Acts 1980, No. 80-739, p. 1503, § 7; Acts 1981, 3rd Ex. Sess., No. 81-1136, p. 409, § 1.)

ALABAMA LP-GAS BOARD REGULATIONS



VOLUME TWO

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RULES AND REGULATIONS OF ALABAMA LIQUEFIED PETROLEUM GAS BOARD

CHAPTER 530-X-1

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530-X-1-.01 ORGANIZATION. By (Acts 1965, No. 220, p. 305, §3; Acts 1966, Ex Sess, No. 231 p. 354; Acts 1979, No. 79-435, p. 690; Acts 1984, No. 84-293, p. 555, §1; Acts 1989, No. 89-535, p. 1097 §1; Acts 1993, No. 93-632, p. 1079, §1; Acts 1994, No. 94-211, §1.) the Alabama Liquefied Petroleum Gas Board was established to carry out the provisions of the **Code of Alabama, 1975** Sections 9-17-100 through 9-17-110, Sections 9-17-120 through 9-17-125 and Sections 40-17-160 through 40-17-166.

Statutory Authority: By Acts 1965, No. 220, p. 305, §3; Acts 1966, Ex Sess, No. 231 p. 354; Acts 1979, No. 79-435, p. 690; Acts 1984, No. 84-293, p. 555, §1; Acts 1989, No. 89-535, p. 1097, §1; Acts 1993, No. 93-632, p. 1079, §1; Acts 1994, No. 94-211, §1.

530-X-1-.02 ADMINISTRATION. The Alabama Liquefied Petroleum Gas Board Laws are administered by the Administrator who is appointed by the Liquefied Petroleum Gas Board.

(a) The Liquefied Petroleum Gas Board is located at 818 South Perry Street, Montgomery, Alabama 36104. Telephone: (334) 242-5649.

Statutory Authority: §9-17-104 **Code of Alabama, 1975** as amended. Adopted July 7, 1983.

530-X-1-.03 DECLARATORY RULINGS. The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such petitions shall be as follows:

IN RE: THE PETITION OF _____

DOCKET NO. _____

(State petitioner's name) FOR A _____

DECLARATORY RULING ON _____

(filled in by the Board)

(state rule number, statute for
which interpretation sought, etc.)

PETITION FOR A
DECLARATORY RULING

(A) The body petition shall be set out in numbered paragraphs as follows:

1. **Petitioner's name:**
2. **Petitioner's full address:**
3. **All rules or statutes that may be involved in the petition, if known:**
4. **Clear and concise statement of the precise factual situation involved:**
5. **The exact question to which an answer is desired:**
6. **The reasons for submitting the petition:**
7. **Full Disclosure of the petitioner's interest:**
8. **Statement as to whether the petitioner's case is presently under consideration by the Board or in any pending proceeding:**
9. **Subscription and verification by the petitioner before a notary public:**

(B) Upon receipt of a petition for a declaratory ruling, the Board shall enter the date of receipt of the petition and the docket number and notify the petitioner of receipt.

Statutory Authority §9-17-105 **Code of Alabama, 1975** as amended. Adopted July 7, 1983.

530-X-1-.04 **PETITION FOR ADOPTION OF RULES.** Any person who wishes to propose that the Liquefied Petroleum Gas Board adopt, amend, or repeal any rule shall submit said proposal in the following form:

PETITION FOR ADOPTION OF RULE

1. Petitioner

Name: _____

Address: _____

Phone: _____

2. Character of Change

I propose that the Liquefied Petroleum Gas Board

A. () adopt the following new rule.

() amend Rule _____ as follows.

() repeal Rule _____ in total.

3. Text of Proposed Rule

If you checked box "A" above, type the rule you propose.

If you checked box "B" above, type the currently effective rule, adding any proposed language. Proposed new language should be underlined and proposed deletions should be stricken through. If you checked box "C" above, skip this and go to Part 4.

4. Purpose of Change

Briefly describe what the effect of this change will be, and why you believe the change should be made. Show the financial impact this change will have upon the public, how the impact figures were determined and the advantages and/or disadvantages of the proposed change and what effects the proposed change would have on existing safety regulations.

5. Signature

Date

Petitioner

The Board shall consider the petition, and shall within ninety (90) days after review of the petition, either deny the petition in writing on the merits, stating its reasons for the denial, or initiate rule-making proceedings in accordance with §41-22-5, Code of Alabama, 1975.

Statutory Authority §9-17-105 **Code of Alabama, 1975** as amended. Adopted July 7, 1983.

**RULES AND REGULATIONS
OF
ALABAMA LIQUEFIED PETROLEUM GAS BOARD**

CHAPTER 530-X-2

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530-X-2-.01 **PURPOSE.** The Board shall have the power to make and enforce rules and regulations governing the design, construction, location, installation and operation of containers, tanks, systems and equipment for storing, utilizing, handling and transporting liquefied petroleum gases and rules to secure the substantial accuracy of all meters, safety devices and regulators generally used in connection with such gases. Said rules and regulations shall be such as are reasonably necessary for the protection of the health and safety of the public and persons using such gases, and shall be adopted only after a public hearing thereon. All rules and regulations shall be printed in pamphlet form and shall be mailed to all liquefied petroleum gas dealers registered with the Board and to any person upon request; provided that the board may adopt as its own rules the published regulations of the National Fire Protection Association or any other nationally

recognized agency covering the same subject by reference thereto. All rules and regulations so adopted by the Board shall become effective 30 days after adoption thereof. Acts 1965, No. 220, p. 305, §5.

530-X-2-.02 **DEFINITIONS.** As used in these regulations, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise.

(1) **Authority Having Jurisdiction.** Alabama Liquefied Petroleum Gas Board.

(2) **Board.** The Alabama Liquefied Petroleum Gas Board.

(3) **Branch.** A local unit of an LP-gas business that is one or more of the following: a division or subdivision or a person doing business under a name other than the Class A permit holder's name; a place where the day-to-day retail operations of an LP-gas business are conducted and at which at least three of the following activities occur or conditions exist: sales of appliances, orders are taken for LP-gas repair and service; orders are taken to refill LP-gas systems either by phone or in person; employees are present during a normal workday; or a place that requires a city or county license to conduct business.

(4) **LP.** Liquefied petroleum gas.

(5) **LPG.** Liquefied petroleum gas.

(6) **LP-GAS.** Liquefied petroleum gas.

(7) **Liquefied petroleum gas.** Any material having vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butanes (normal butane or isobutane), and butylenes.

(8) **Liquefied petroleum gas recovery fund.** A cash surety fund designated to ensure compliance of LP-Gas laws, rules and regulations adopted by the LP-Gas Board.

(9) **Liquefied petroleum gas research and education fund.** A fund created to finance activities relating to research, development, and the implementation of marketing, advertising, and informational programs relating to LP-gas directed toward the consumer as well as for the education of industrial members and employees.

(10) **Liquefied petroleum gas system.** Any assembly consisting of one or more containers with a means for conveying LP-gas from the container(s) to dispensing or consuming devices (either continuously or intermittently) and which incorporates components intended to achieve control of quality, flow, pressure, or state (either liquid or vapor).

(11) **Person.** Every natural person, firm, copartnership, association, or corporation.

(12) **Red tag.** A red card or device containing an official printed notice of the condemnation of a liquefied petroleum gas system or any connected or disconnected LP-gas component, LP-gas storage container, LP-gas container appurtenance, of LP-gas motor vehicle, transport, or delivery unit placed as a result of a violation of the liquefied petroleum gas safety code provisions and regulations, or as a result of a mechanical defect found on the LP-gas motor vehicle, transport, or delivery unit that could cause a danger to the public if allowed to continue to operate. When attached to a system or to any connected or disconnected LP-gas component, LP-gas storage container, LP-gas appurtenance, motor vehicle, transport, or delivery unit a red tag is official notice of condemnation and of the prohibition of further use, so long as the red tag remains affixed by law.

Statute Authority §9-17-105, **Code of Alabama, 1975** as amended.

530-X-2-.03**METERING DEVICE CALIBRATION REQUIREMENTS.** To secure the use of and substantial accuracy of all liquid dispensing liquefied petroleum gas meters through which liquefied petroleum gas is sold in the State of Alabama.

(a) Before any person, firm or corporation shall engage or continue in the business of selling or dispensing liquefied petroleum gas by tank truck through liquid measurement, he shall be required to furnish a suitable type meter for the dispensing of liquefied petroleum gas and also furnish this Board (on forms provided by this Board) certification of the substantial accuracy of said meters as used in the dispensing system. A plus or minus (+ or -) tolerance of two percent (2%) shall be considered to constitute substantial accuracy. This certification is to be provided each twelve (12) months hereafter. This Board will notify any person, firm or corporation sixty (60) days in advance of due date of next certifying report. The person, firm or corporation will be given the name or names of agencies approved by this Board to certify substantial accuracy or said meters and its system.

(1) LP-gas meters installed at stationary filling stations that are used for the purpose of metering LP-gas for sales to the consumer shall be calibrated for accuracy of a plus or minus (+ or -) tolerance of two percent (2%) at intervals of each two hundred (200,000) gallons or every five (5) years whichever comes first.

(b) The certifying agent shall seal the meter with his seal.

(1) If for any reason a meter seal is broken, the dealer-owner shall notify his meter certifying agent and then notify the LP-Gas Board as to when the meter certifying agent will be able to re-seal the meter. The dealer-owner shall make

these notifications as soon as possible but not exceed five (5) work days after the broken meter seal has been found. The certifying agent shall recalibrate and reseal the meter if recalibration is required or reseal the meter if a calibration is not required. When corrective actions are completed, the meter prover shall notify the LP-Gas Board in writing of the action taken to bring the meter into compliance with State Regulations. The affected meter equipment should be brought into compliance within 30 days after the Board has been notified of the broken seal. If the meter has not been resealed within thirty (30) days after the Board received its first notification of the broken meter seal, the Board Administrator shall determine if proper action has been taken to reseal the meter. If proper action has been taken the Board Administrator may then authorize a limited extension of time to reseal the meter.

(c) The expense or expenses of said services shall be borne by persons, firms or corporations affected by this rule.

Adopted January 16, 1968, as Alabama Liquefied Petroleum Gas Board Regulations No. 1. Amended April 4, 1985.

530-X-2-.04PROCEDURES FOR LIQUEFIED PETROLEUM GAS FILLING STATIONS. No cylinder installation shall be made unless Department of Transportation cylinders are used. DOT cylinders with a water capacity of less than 250 pounds shall be charged only at bulk storage or cylinder filling plants and not from mobile units such as delivery trucks, except those vehicles specially designed and equipped for cylinder filling, and except those cylinders installed as part of a system using LP-Gas as a motor fuel or as a fuel for farm equipment such as flame cultivators. DOT cylinders of 250 water pounds capacity or larger may be charged at the installation from mobile units provided they are equipped with fixed liquid level gauging devices, quick filling valves and vapor return valves, all of which are of an approved design, in addition to other required or acceptable valves and fittings.

(a) Containers up to 2,000 water gallon capacity shall be located at least twenty-five (25) feet from a building, groups of buildings, house trailers and adjoining property lines. These distances may be reduced to not less than ten (10) feet for service station buildings of other than wood construction. Also, in heavily populated or congested areas, the authority having jurisdiction (in most cases the Alabama LP-Gas Board) shall determine restrictions of individual container capacity, total storage and distance of line adjoining property, as well as other reasonable protective measures.

(b) Container foundations shall be of substantial masonry or other non-combustible material. Containers shall be mounted on saddles which shall permit expansion and contraction and shall provide against the excessive concentration of stresses. Corrosion protection shall be provided for tank mounting areas. Structural metal container supports shall be protected against fire in an approved manner. This protection is not required on prefabricated storage and pump assemblies, mounted on a common base, with container bottom not more than 24 inches aboveground and whose water capacity is 2,000 gallons or less if the piping connected to the storage and pump assembly is sufficiently flexible to minimize the possibility of breakage or leakage in the event of failure of the container supports.

(c) Piping shall be wrought iron or steel (black or galvanized), brass or copper pipe; or seamless copper, brass or steel tubing and shall be suitable for a minimum pressure of 250 psig. Pipe joints may be screwed, flanged, brazed or welded. The use of aluminum alloy piping or tubing is prohibited.

(d) All piping shall be tested after assembly and proved free from leaks at not less than normal operating pressures.

(e) Piping may be underground, aboveground or a combination of both. It shall be well supported and protected against physical damage and corrosion. Piping laid beneath driveways shall be installed to prevent physical damage by vehicles.

(f) All shut-off valves (liquid or gas) shall be suitable for liquefied petroleum gas service and designed for not less than the maximum pressure to-which they may be subjected. Valves which may be subject to container pressure shall have a rated working pressure of at least 250 psig.

(g) All materials used for valve seats, packing, gaskets, diaphragms, etc., shall be resistant to the action of LP-gas.

(h) An excess flow check valve and manual shutoff valve shall be installed in the liquid line at the outlet of the storage tank.

(i) An excess flow check valve and a manual shut-off valve shall be installed at the dispensing hose pipe connection a differential back pressure valve shall be considered as meeting this provision. If the container shutoff valve is within 15 linear feet of the hose pipe connection, a shutoff valve at the hose pipe connection will not be required.

(j) Fittings shall be steel, malleable iron or brass having a minimum working pressure of 250 psig. Cast iron pipe fittings, such as ells, tees, and unions shall not be used.

(k) Storage containers of 6000 WGC and above shall be properly grounded.

(l) Storage container, piping, pump, dispensing hose and scales shall be adequately protected from physical damage at trailer parks and similar locations by a chain-link fence of not less than six (6) feet in height, at least three (3) feet from installation, and having an entrance-exit gate of the same height. Such facilities at a service station shall be protected from physical damage by such devices as railroad crossties, utility poles and a chain-link fence of not less than six (6) feet in height, at least three (3) feet from installation, and having an entrance-exit gate of the same height, except in reference to a self-contained installation-unit, in which case no fence is required.

(m) Each cylinder filling station shall be provided with at least one (1) twenty (20) lb. portable fire extinguisher of the dry chemical type B. C. rated.

(n) All DOT cylinders of less than 250 water pound capacity shall be charged by weight only except those cylinders into which is dispensed fuel for motor fuel purposes.

(o) No cylinder designed to be equipped with a safety cap shall be removed from a dealer's agent's premises until such cap is properly installed, except when a safety guard or shield is an integral part of the cylinder. Container valve outlets shall be sealed as required by NFPA 58-1986, paragraph 4-2.2.2.

(p) Sales from all off premises cylinder filling stations shall be made from containers plainly marked with letters of at least four (4) inches high as follows:

Name of LP-Gas Station Owner
Board License or Permit Number
Emergency Telephone Number

For on and off premises filling station sales a dealer invoice shall be issued for each sale and a copy of the invoice shall be retained by the dealer for a period of not less than three (3) years. The invoice shall include a number, date, number of gallons sold, purpose for which the fuel was purchased, and the correct name and address of the purchaser.

(q) Other than unpainted galvanized, steel and aluminum cylinders, all LP-Gas cylinders and aboveground containers shall be painted white or aluminum. Above ground container domes may be painted any color. All existing LP-Gas cylinders and aboveground containers shall meet the paint requirements of this regulation by September 30, 1987 or the aboveground container and cylinder shall not be filled or refilled with LP-Gas. All LP-Gas cylinders manufactured after December 30, 1986 shall meet the paint requirements of this regulation or the cylinder shall not be filled or refilled with LP-Gas. Placarding, marking and painting of cargo vehicles shall comply with CFR 49.

(r) Operators of cylinder filling stations shall be agents of LP-gas dealers and

shall operate under their Alabama LP-Gas Board permit and insurance (except Class “F” Permit holders).

(s) All electrical equipment and wiring shall conform with Article 414 of the National Electrical Code (which means that all electrical equipment shall be explosion-proof type). The area shall be adequately illuminated.

(t) LP-Gas dealers holding permits in the state shall notify the Alabama Liquefied Petroleum Gas Board of the location of all cylinder filling installations they serve and/or operate and shall maintain such records in a current status.

(u) It shall be the responsibility of Class “F” Permit holders or any person who acts as an agent of a Class “A” Permit holder to ensure that only trained, qualified personnel fill LP-gas cylinders or containers.

Any person, firm or corporation violating any provision of this regulation upon conviction, shall be subject to penalties as prescribed by Section 9-17-109 A of the **Code of Alabama, 1975**, as amended.

If any part of this regulation is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Statutory Authority §9-17-105, **Code of Alabama, 1975**, as amended. Adopted October 2, 1986.

530-X-2-.05 PROCEDURES FOR REPORTING INCIDENT. That all persons including all Liquefied Petroleum Permit Holders operating in the State of Alabama under a permit issued by the Liquefied Petroleum Gas Board are directed and required to report to the Board incidents involving LP gas cargo, vehicles and any complaints related to LP Gas (i.e., defective installations, fires, explosions that occur on a premises where LP Gas Systems are installed). The Permit Holder or his authorized representative charged with the responsibility of giving such notice shall include in that notice the following:

Customer’s name, address and phone number. Date of incident as well as type and condition of property involved. Dealer’s name and address and a brief description of what occurred, when system was last serviced, description of service performed on system.

(a) Such notice should be given to this Board in writing within five (5) days of the date of the incident or within five (5) days of the discovery thereof with the exception of an explosion or vehicle accident involving LP Gas cargo vehicles which shall be reported to the Board as soon as possible.

(b) That each Permit Holder shall issue instructions of his authorized representative charged with the duty of giving such notice, to the end that he shall comply with the provisions of this order. Each such Permit Holder shall furnish to

the Board within 15 days of the date of adoption of this regulation, the names of its representatives charged with the duty of giving such notice.

(c) Upon receipt of such notice or upon notice in writing of any citizens, the Administrator of the Board shall proceed to make a determination as to whether or not LP Gas was or could have been a contributing factor to the incident. If so, the Administrator shall authorize an investigation therefore, by it staff, in order to determine if LP Gas or LP Gas systems were properly handled, installed and/or operated.

A written report of the investigation shall be made and placed on file in the LP Gas Board Office .

Adopted January 4, 1979 as Alabama Liquefied Petroleum Gas Board Regulation No. 3.

530-X-2-.06 STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GAS CODES. That the publication designated as NFPA No. 58, published by National Fire Protection Association, be adopted as a part of the rules and regulations of the Alabama Liquefied Petroleum Gas Board; provided, however, that existing rules of the Board that conflict with NFPA No. 58 shall not be repealed by the adoption of this rule.

(a) That any supplementary rules and regulations to said NFPA Pamphlet No. 58 adopted by the National Fire Protection Association at some future date shall also be adopted by this Board .

Adopted January 16, 1968 as Alabama Liquefied Petroleum Gas Board Regulation No. 4.

530-X-2-.07 LIQUEFIED PETROLEUM GAS MOTOR FUEL CARBURETION EQUIPMENT. That all component appurtenances either used or sold to supply Liquefied Petroleum gas as a fuel to any internal combustion engine from the motor fuel container withdrawal valve to the engine intake manifold which is to include the automatic shutoff valve, the supply piping, regulation, vaporization, gas-air mixing and carburetion equipment shall be approved by means of labeling or listing by a recognized laboratory or by a means that is acceptable to the authority having jurisdiction. The standard carburetor for an internal combustion engine may be used as an integral part of the Liquefied Petroleum gas conversion system.

(a) A proper permit as prescribed by Act No. 220, Regular Session 1965, as amended by Act No. 435, Regular Session 1979, shall be secured before any persons, firms, or corporations shall engage in the business of installing, servicing, repairing or adjusting any Liquefied Petroleum gas carburetion equipment that is used to supply fuel to any internal combustion engine.

(b) A permit shall not be required for the manufacturers of internal combustion

engines who install approved Liquefied Petroleum gas carburetion equipment and/or components appurtenances as part of the internal combustion engine manufacturing process, provided that no Liquefied Petroleum gas fuel supply shall be connected.

(c) A permit shall not be required for any person, firm or corporation who is in the business of repairing and/or overhauling internal combustion engine equipped with Liquefied Petroleum gas carburetion components, provided that during the repair and/or overhaul process no Liquefied Petroleum gas fuel line or fuel system shall be disconnected. This shall not relieve any person, firm, or corporation from the responsibility of performing the proper leak checks to the Liquefied Petroleum gas carburetion components that might have been disturbed during the repair and/or overhaul process.

(d) In order to easily identify vehicles using Liquefied Petroleum gas as a motor fuel to police, fire and rescue squad members a decal reading powered by Liquefied Petroleum gas shall be prominently displayed on the rear of any vehicle using Liquefied Petroleum gas as a motor fuel. The decal letter coloring shall be blue with a white background. The letters shall be no smaller than one inch in size.

Adopted July 10, 1980 as Alabama Liquefied Petroleum Gas Board Regulation No. 5.

530-X-2-.08 LIQUEFIED PETROLEUM GAS PIPING AND APPLIANCE CODES. That the publication designated as National Fire Protection Association Pamphlet No. 54, the standards for the installation of piping and appliances in buildings, be adopted as a part of the rules and regulations of the Alabama Liquefied Petroleum Gas Board and that the same be and is made applicable to all dealers holding permits issued by the Board; provided, however, that existing rules of the Board that conflict with NFPA No. 54 shall not be repealed by the adoption of this rule.

(a) That any supplementary rules and regulations to said NFPA -Pamphlet No. 54 adopted by the National Fire Protection Association at some future date shall also be adopted by this Board.

Adopted January 16, 1968 as Alabama Liquefied Petroleum Gas Board Regulation No. 6.

530-X-2-.09 INSPECTION OF UNDERGROUND AND 200 TYPE LP-GAS STORAGE CONTAINERS. That no new LP-gas container with a working pressure of less than that required for a 200 type container shall be installed in the State of Alabama. No used underground container shall be installed or re-installed in the State of Alabama except when the container has been duly inspected and approved by the Alabama Liquefied Petroleum Gas Board.

Adopted January 16, 1968 as Alabama Liquefied Petroleum Gas Board Regulation No. 7.

530-X-2-.10 TIME LIMITS FOR SUBMITTING LP-GAS PERMIT APPLICATIONS. Following the application of a person, firm or corporation to engage in the retail LP-gas business in the State of Alabama, there shall be a lapse of time of at least thirty (30) days between date of receipt by the Board Administrator of the application complete in all respects and the date of consideration of the application by the Board in session. This time lapse will be used by the Board Administrator to ascertain the completeness of the application and the accuracy of the information submitted on the application.

(a) When the application has been approved by the Board, the applicant will be given a maximum of 180 days to comply with all regulations for the issuance of the permit; otherwise, the approval of the application will become null and void.

(b) This rule shall not apply to a person, firm or corporation which seeks to engage in the retail LP-gas business by acquiring the properties of an existing permit holder and continuing the business or operations of the acquired properties, who already has a permit from this Board to engage in such business, and the application for a permit is for the purpose of the continuing the business or operations of the acquired properties.

Adopted January 16, 1968 as Alabama Liquefied Petroleum Gas Board Regulation No. 8.

530-X-2-.11 CODE FAMILIARIZATION REVIEW.

(1) Each permit holder shall request a copy of a Code Familiarization Review for each new employee to perform any task authorized under his/her permit. The Code Familiarization Review shall be requested within 30 days of employment and shall be administered within 90 days of employment or before an unsupervised work task is performed by the new employee. The examinee will certify that he/she has reviewed the Code Familiarization material and personally marked all answers on the Code Familiarization Review answer sheet. The permit holder or supervisor proctoring the Code Familiarization Review shall certify that the examinee marked the Code Familiarization answer sheet under his/her supervision. When required, a practical performance evaluation shall be administered on each new employee by a Board inspector. The completed Code Familiarization Review booklet shall be returned to the LP-Gas Board for evaluation and filing.

(2) The passing score of the Code Familiarization Review and practical performance evaluation will be determined by the Board in its discretion.

(3) If any of this regulation is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

530-X-2-.12 CHECKLIST FOR SUBMITTING CLASS-A PERMIT APPLICATIONS

(1) No applicant(s) should purchase any equipment or begin construction on any

facilities until his application has been approved by the Alabama LP-Gas Board and he has been so advised in writing by the Administrator.

(a) All application forms shall be obtained from the Administrator by the prospective applicant(s) or his designated representative in person at the Board office in Montgomery.

(b) All applications shall be filled out completely, including the required attachments, and shall not be considered by the Board until such time as the Administrator deems that the application and attachments are completed.

(c) Applications shall not be considered until recorded as received in the Board office in Montgomery at least THIRTY (30) days prior to the Board's regular meeting. As THIRTY (30) days is the minimum time required to investigate the application and attachments, no waiver of the time limits shall be considered. This requirement does not apply to purchases of LP-Gas business where the business was previously approved and has a current permit by the LP-Gas Board.

(d) When incorporated, submit a correct copy of the company's Articles of Incorporation.

(e) Submit evidence of adequate supply of LP-Gas in the form of a contract or a letter of intent issued by a supplier who is authorized to do business in this state signed by an officer or person authorized to make such contracts or letters to be effective for a period of TWELVE (12) months from the date of issuance of the permit.

(f) Submit audited financial statement.

(g) Submit payment of initial permit application fee(s) in the amount of THREE (\$300) HUNDRED DOLLARS.

(h) Submit within FIFTEEN (15) DAYS of the application hearing date all new driver's motor vehicle record (MVR) for all company personnel who are required to have a commercial drivers license. The new driver's MVR must be dated no more than THIRTY (30) DAYS before the hearing date and shall be obtained from the drivers license agency in the state in which the commercial drivers license is issued.

(i) New applicant(s), and all other persons required to appear before the Board shall be given at least SEVEN (7) DAYS notice in writing by the Administrator.

(2) All applicant(s) for LP-Gas Dealer Class A Permits shall comply with the following:

(a) New applicant(s), their fuel truck driver(s) and service personnel shall appear before the Board at such time as their application is considered. Persons

other than the person(s) whose signature appears on the application may be required to appear before the Board in consideration of the application.

(b) Any person may testify at Board hearings on pending applications. Persons desiring to testify should notify the Board Administrator in writing at least TWENTY-FOUR (24) HOURS prior to the Board meeting in which the application is to be heard.

(c) New applicant(s), as well as other persons required to appear before the Board, shall be expected to explain and support their application and experience in any manner which members of the Board deem relevant to carry out their responsibility for the health and safety of the public.

(d) New applicant(s) shall submit a personal audited financial statement completed in accordance with generally accepted accounting practices or the purchasing company may submit the company's last published certified annual report or an audited financial statement.

(1) Audited financial statements shall be prepared by and attested to by a certified or registered public accountant and shall be dated within FORTY-FIVE (45) DAYS of the filing of the application for a new business or in the case of a purchase of an existing LP-Gas business, the Administrator shall poll a minimum of three (3) industrial members of the board in order to determine the type of audited financial statement or annual report that may be required.

(2) The new applicant(s) shall provide evidence of financial responsibility to the Board in the amount of cash or cash equivalent of at least ONE HUNDRED FIFTY THOUSAND (\$150,000) DOLLARS. When the purchase of an existing business occurs, the Administrator shall poll a minimum of three (3) industrial members of the board in order to determine if equity in the assets of the company to be purchased can be used as all or part of meeting the cash or the cash equivalent required by this paragraph.

(3) The evidence of financial responsibility shall be submitted in the form of an irrevocable letter of credit from a bonafide lending institution, or cash, or cash equivalent.

(e) Application, attachments and Board hearings shall attempt to resolve the question of the applicants' qualifications to enter the retail LP-gas business. Factors to be considered are as follows:

(1) The applicant's experience in and knowledge of the LP-gas industry.

(2) The applicant's knowledge, technical ability, and adherence to safety standards adopted by the LP-Gas Board.

(3) The applicant's proposed facilities and equipment.

(4) Other factors the Board may deem important and relevant in qualifying persons as LP-gas dealers.

(f) All decisions of the Board are rendered in an open meeting. The Administrator will then notify the applicant(s) of the Board's decision by certified mail, return receipt requested, within a period of SEVEN (7) DAYS.

(3) Following approval of application the applicant shall comply with the following:

(a) A new applicant(s) shall have a period of ONE HUNDRED EIGHTY (180) DAYS in which to comply with the requirements of the application for a permit and to be actively engaged in the retail LP-gas business. Otherwise, the approval of the application will become null and void and the applicant(s) will forfeit the THREE HUNDRED (\$300) DOLLARS initial permit fee.

(b) Submit plans and install the minimum storage of THIRTY THOUSAND (30,000) water gallon capacity (WGC) and secure the Administrator's approval of the bulk storage facilities and other operational equipment.

(c) Execute and file with the Board a surety in cash in the amount of ONE HUNDRED (\$100) DOLLARS and submit evidence of insurance on the forms provided by the Board.

(d) New applicant(s) must have a designated service man who will be required to pass an initial oral or written examination to the Board's satisfaction. New applicant(s) also must have a designated fuel truck driver who will be required to pass an oral or written operator's examination to the Board's satisfaction. These examinations will be given under the direction of the Administrator at a designated time and place in the presence of a Board inspector.

(e) The Administrator shall not issue any permit until he is satisfied that all requirements in the location and in type of facilities, equipment, bond and insurance coverage and personnel qualifications have been fully met.

(f) The Administrator shall furnish a copy of this checklist to each applicant(s).

(4) Class A permit holder(s) purchasing LP-Gas business(s) in Alabama:

(a) Owners of LP-Gas business that have a current Class A permit shall meet the applicable requirements listed in sections 1, 2, and 3 of this regulation.

(1) The new owner shall notify the Administrator of the Liquefied Petroleum Gas Board within TEN (10) WORK DAYS of the acquisition of the business.

(2) If a new permit is required, the new owner will be given SIXTY (60) DAYS from the date of purchase of the business to meet the applicable requirements. A properly completed application for a Class A permit, insurance certificate, surety in cash in the amount of ONE HUNDRED (\$100) DOLLARS,

applicable permit fees and a letter of intent from an authorized supplier shall be filed and remitted to the board administrator within TEN (10) WORK DAYS of the date purchase or before operation of the LP-Gas business.

(3) When the new permit is required and all of the requirements have been met, the Administrator may issue a temporary authorization to operate the business. The board will consider the permit at its next regular board meeting. Failure of the new owner to complete all of the required items to obtain a new permit within the SIXTY (60) DAY period may cause the new owner to cease and desist all operations of the business.

(5) Non-Permit holder(s) purchasing LP-Gas business(s) in Alabama:

Non-permit holders shall comply with Section 1, 2, and 3 of this regulation before the non-permit holder(s) begins operation of the business

(6) Procedures for applicant(s) who have had their applications denied:

(a) Applicant(s) whose application has been denied may resubmit a new application in accordance with procedures outlined in this checklist. The application will be heard as a new application at the next regularly scheduled Board meeting after filing.

(b) In case of an extreme emergency the applicant(s) may submit in writing to the Administrator a request for a special meeting of the Board. Special meetings to reconsider an application shall only be called with the approval of the Board Chairman. If the request is granted, the applicant(s) must bear all expenses of the special meeting in which their application is to be reconsidered and shall make a deposit with the Administrator in the amount of SIX HUNDRED (\$600) DOLLARS by certified check which must be received in the Board office SEVEN (7) DAYS prior to the meeting date. If the Administrator determines that there is a balance due for the meeting expenses the balance due shall be payable prior to the meeting being called to order by the chairman.

If there is an overpayment of meeting expenses, the Administrator will initiate a refund in accordance with State procedures.

If any part of this regulation is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

A COPY OF THIS CHECK LIST WILL BE FURNISHED TO THE APPLICANT WHEN THE APPLICATION IS PICKED UP.

Author: Leonard Pakruda

Statutory Authority: **Code of Alabama, 1975 §9-17-103**

(a) Class “A” and “B” Permit

The undersigned applicant applies for an LP-gas dealer's Class A and B permit under the provision of Section 9-17-105, **Code of Alabama, 1975**, and all rules and regulations established by the Board.

Information required in this form must be typed.

Date application executed: _____

Street Address _____ P.O. Box _____

City or Town: _____ State _____

Zip Code Number: _____ Telephone No. _____

The above designated company is:

☐ Corporation ☐ Partnership

☐ Individual

Name	Position	Address

City or Town	Street or Highway	Capacity

SECTION II

1. What is the extent of the territory you propose to serve?

2. Indicate the number of vehicles you will operate on issuance of your permit?

_____ Customer Delivery _____ Service

_____ Transports

3. I will provide an adequate safety training program for my personnel _____
Initials

4. I will take advantage of educational and training programs which are made available to me by my personnel _____
Initials

5. I agree that all my delivery and service personnel will have a thorough knowledge of all rules and regulations administered by the Alabama LP-Gas Board _____
Initials

6. What type of LP-gas will you market in your operation?

☐ Butane

☐ Propane

☐ Butane-Propane Mix

7. Indicate services your company proposes to provide:

☐ Distribution of LP-gas

☐ Installation and Service of LP-gas Systems

☐ Installation and Service of LP-gas Central Heating Systems

☐ Installation and Service of LP-gas Carburetion

☐ Installation and operation of LP-gas Cylinder Filling Systems

☐ Merchandising of Appliances

☐ Other _____

Explain _____

8. Give a brief description of your experience with LP-Gas

SECTION III

The following designated attachments are required to accompany this application:

1. Evidence of Financial Responsibility

A financial statement prepared and attested to by a Certified Public or Registered Accountant for the owner and/or corporation, representing a complete and accurate account of the applicant's financial status, to meet minimum equipment expenditures and operating capital.

2. Payment of Initial Permit Fee, Expiration Date September 30.

A certified check in the amount of \$400.00 payable to the Alabama LP-Gas Board as payment of the applicant's current permit fee and surety in cash.

This check will be held in deposit at the state treasury until final action is taken on the subject application and shall be returned to the applicant without delay when and if application is disapproved. Class A permit applicants who fail to comply with all requirements of this application within 180 days after initial approval will result in forfeiture of all fees and cancellation of this application. A Class B permit applicant shall have 60 days to comply with all of the requirements or the initial approval shall be cancelled and the application fee shall be forfeited.

3. Evidence of a Contract for Supply of LP-Gas

Evidence of an adequate supply of LP-gas in the form of a letter of intent signed by an Officer or person authorized to make contracts, to be replaced with a copy of the bona fide contract after the application is approved and before the permit is issued.

SECTION IV

The undersigned petitioner hereby requests that this application be approved by the Alabama LP-Gas Board and certifies that he has read the above application and is familiar with its contents and that the information set forth by him in the application and attachments is true and correct.

By: _____
(Signature of Applicant)

(Owner or Authorized Representative)

The State of Alabama

Before me, the undersigned authority,
on this day personally appeared

County of _____

known to me to be such person, who after having been by me first sworn, deposes and says on oath that he is the same person who subscribed the name of the above stated applicant to the foregoing instrument, and that he signed the same as the deed and act of said applicant and in the capacity therein set forth, and that he has carefully read the foregoing statements and representations made in said instrument and attachments, and that the same are true in substance and in fact.

Subscribed and sworn to before me this _____ day of _____
20 _____

Notary Public, _____
County

SECTION V
FOR USE ONLY BY THE ADMINISTRATOR
OF THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

Date application received by the Administrator: _____

Date application considered by the Board: _____

Action by the Board: ☐ Approved ☐ Disapproved ☐ Other

Explanation of Board action: _____

Date applicant advised of action on application: _____

IF APPLICATION IS APPROVED:

Dates of inspections of applicant's storage facilities and equipment:

_____, _____, _____, _____,

Date of completion of written examination: _____

Date of approval of applicant's facilities and equipment: _____

Date of receipt of bond and insurance requirements: _____

Date of issuance of permit: _____ Class _____ Permit Number _____

Sworn and attested to by:

(Administrator, Alabama LP-Gas Board)

_____ day of _____, 20 _____

ALABAMA LP-GAS BOARD
P.O. Box 1742
Montgomery, Alabama 36102-1742

(b) Class “B-1 ” Permit.

LP-GAS DEALER BRANCH PERMIT APPLICATION

ALABAMA LIQUEFIED PETROLEUM GAS BOARD FOR PERMIT CLASS B-1

The undersigned applicant applies for a branch permit Class B-1 under the provision of Section 9-17-105 of the 1975 Code of Alabama as amended and all rules and regulations established by the Board.

INFORMATION REQUIRED IN THIS FORM MUST BE TYPED:

Date Application Executed: _____

_____ Name of Class "A" Company		_____ Permit Number
_____ Name of Company DBA		
_____ Name of Branch		
_____ Street Address		_____ P.O. Box
_____ City or Town	_____ State	_____ Zip Code + 4
_____ Telephone Number		_____ Contact Person
_____ Location of Storage		
_____ Aggregate Storage Amount		_____ Date of Insurance and Bond Expiration
_____ Name of Insurance Company		_____ Name of Bonding Company
_____ General Liability Policy Number		_____ Vehicle Policy Number
INITIALS _____ Surety Bond Number _____ is already on file with the board for the Class A permit named in this application and includes coverage as required by State Law for the branch named in this application. See Section 9-17-105 (c)(d) Code of Alabama 1975. OR		
INITIALS _____ Insurance and surety bond coverage is not presently included in the insurance certificate or surety bond filed for the Class A permit named in this application, therefore, a certificate of insurance and/or surety bond is attached hereto.		
INITIALS _____ I understand I am required to notify the Board of any change in bond or insurance coverage prior to any such change takes effect.		
_____ Print Name		_____ Signature of Owner Authorized Representative

DO NOT WRITE IN THIS SPACE

Date application received by the Administrator: _____ Date application considered by the Board: _____

Action by the Board: ☐ Approved ☐ Disapproved ☐ Other

Explanation of Board action: _____

_____ Date of Completion of Written Examination	_____ Date of Approval of Facilities & Equipment
_____ Date of Receipt of Bond and Insurance	_____ Date of Issuance of Permit
_____ Class B-1 Permit Number	Sworn and Attested To By: _____ _____ Day of _____ 20____

**Return Completed Application,
Attachments and Permit Fee (\$100.00) to:
Alabama LP-Gas Board P.O. Box 1742 Montgomery, AL 36102-1472
(334) 242-5649**

(c) Class “C, C-1 and C-2” Permit.

APPLICATION FOR CLASS “C, C1 and C2” PERMIT
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

Application for a Class C, C-1 and C-2 permit is hereby made in accordance with Section 9-17-105, **Code of Alabama, 1975**, and all rules and regulations established by the Board.

All information on this form must be typed:

SECTION I

Date application executed: _____

Applicant: _____

Full Name

Trade Name

Street Address: _____ P.O. Box _____

City or Town: _____ State: _____

Zip Code Number: _____ Telephone No.: _____

The above designated company is: ☐ Corporation ☐ Partnership
☐ Individual Owner-Operator

OFFICERS, PARTNERS OR OWNERS

Name

Position

Address

List names of all employees who will be in the business of selling, installing, servicing, repairing or adjusting liquefied petroleum gas appliances, piping and/or LP-gas systems under the requirements of a Class C Permit.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

SECTION II

1. What is the extent of the territory you propose to serve?

2. How many service vehicles will you operate? _____

3. I will provide an adequate safety training program for my personnel _____
Initials

4. I will take advantage of educational and training programs which are made
available to me any my personnel _____
Initials

5. I agree that all my service personnel will have a thorough knowledge of all rules
and regulations administered by the Board before they work under my Class C
permit _____
Initials

6. Indicate what service your company proposes to provide:

☐ Installation and service of LP-Gas Systems on the downstream side of the
tank regulator only

☐ Installation and service of LP-Gas central heating and air conditioning
systems

☐ Repairing or adjusting liquefied petroleum gas appliances

☐ Merchandising of appliances

☐ Other _____

SECTION III

The following designated attachments are required to accompany this application:

1. Evidence of Financial Responsibility: is not required to be filed for Class C, C-1 and C-2 Permits.
2. Articles of Incorporation:
Include one copy of your company's or individual articles of incorporation if incorporated.
3. Payment of Initial Permit Fee, Expiration Date December 31:
Remit the permit fee for Class C and C-1 permit's in the amount of \$50.00. Application fees for Class C-2 is \$100.00. Remit Cash Surety for Class C, C-1 and C-2 permits in the amount of \$100.00 at the time the original application is submitted.

The check or money order will be held on deposit at the State Treasury until action has been completed by the Board. If the Board fails to initially approve the application the accompanying fees will be returned. Once the application has been initially acted on by the Board and approved none of the fees shall be returned except the \$100.00 cash security which would be refunded if the application is cancelled or denied.

Failure to meet all requirements on the application within (60) sixty days after Board approval will result in cancellation of the application and all fees will be forfeited.
4. Return of Completed Application:
This application must be recorded as received in the Board Office in Montgomery with all required sections completed at least thirty (30) days prior to Board's next regular scheduled meeting for consideration at that meeting.
5. Appearing Before Board:
Applicants may be required to appear before the Board in person in support of their application. If an applicant is required to appear, the Board Administrator will notify the applicant within seven (7) days of the Board's next regular meeting.
6. Brief statement of your experience:
If additional space needed use bottom of back page.

SECTION IV

Following approval of application the applicant must within sixty (60) days after notification comply with the following:

1. Insurance:

File a Certificate of Insurance on the form provided by the Board.

2. Board Examination

The applicant is responsible to ensure that all employees who will be working under his Class "C" permit have taken and satisfactorily completed the required examinations within sixty (60) days after the applicant has been notified by the Board his application has been approved. The applicant further agrees that any new employee will be required to take and pass a written examination within thirty (30) days of employment. These examinations will be prepared and given by the LP-Gas Board at a time and place designated by the Board.

SECTION V

The undersigned petitioner hereby requests that this application be approved by the Alabama LP-Gas Board and certifies that he has read the above application and is familiar with its contents and that the information set forth by him in the application and attachments is true and correct.

By: _____
(Signature of Applicant)

(Owner or Authorized Representative)

The State of Alabama

Before me, the undersigned authority, on this
day personally appeared

County of _____

known to me to be such person, who after having been by me first sworn, deposes and says on oath that he is the same person who subscribed the name of the above stated applicant to the foregoing instrument, and that he signed the same as the deed and act of said applicant and in the capacity therein set forth, and that he has carefully read the foregoing statements and representations made in said instrument and attachments, and that the same are true in substance and in fact.

Subscribed and sworn to before me this _____ day of _____
20 _____

Notary Public, _____
County

SECTION VI
FOR USE ONLY BY THE ADMINISTRATOR
OF THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

Date application received by the Administrator: _____ 20 ____

Date application considered by the Board: _____ 20 ____

Action by the Board: ☐ Approved ☐ Disapproved ☐ Other

Explanation of Board Action: _____

Date applicant advised of action on application: _____ 20 ____

Date Board examinations satisfactorily completed: _____ 20 ____

Date of Receipt of Bond and Insurance Requirements: _____ 20 ____

Date of Insurance of Permit: _____ 20 ____ Number _____

Sworn and attested to by:

(Administrator, Alabama LP-Gas Board)

_____ day of _____, 20 ____

ALABAMA LP-GAS BOARD
P.O. Box 1742
Montgomery, Alabama 36102-1742

(d) Class “D” Permit

APPLICATION FOR CLASS “D” PERMIT
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

Application for a Class D permit is hereby made in accordance with Section 9-17-105, **Code of Alabama, 1975**, and all rules and regulations established by the Board.

Information required in this form must be typed.

SECTION I

Date application executed: _____

Applicant: _____
(Full Name of Company)

Street Address P.O. Box

City or Town: _____ State _____

Zip Code Number: _____ Telephone No. _____

The above designated company is: ☐ Corporation ☐ Partnership
☐ Individual ☐ Unincorporated

OFFICERS, PARTNERS OR OWNERS

Name	Position	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Alabama Contractors License No.: _____

List names of employees who will engage in the business of installing and/or repairing bulk storage plants under the provisions of this permit.

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

SECTION II

1. What is the extent of the territory you propose to serve? _____

2. I will provide an adequate safety training program for my personnel. _____
Initials
3. I will take advantage of educational and training programs which are made available to me any my personnel. _____
Initials
4. I agree that all my employees will have a thorough knowledge of all rules and regulations administered by the Alabama LP-Gas Board _____
Initials
5. Indicate services your company proposes to provide:
 - ☐ Installation of bulk storage LP-gas systems.
 - ☐ Installation of industrial LP cylinder filling stations.
 - ☐ Installation of industrial LP motor fuel filling stations.
 - ☐ Installation of industrial and/or LP distribution systems.
 - ☐ Refurbishing LP bulk storage and/or distribution systems.
 - ☐ Other _____

SECTION III

The following designated attachments are required to accompany this application:

1. Evidence of Financial Responsibility

A financial statement prepared and by a Certified Public or Registered Accountant for the owner and/or corporation, representing a complete and accurate account of the applicant's financial status, to meet minimum equipment expenditures and operating capital.

2. Articles of Incorporation:

Include one copy of your company's or individual articles of incorporation if incorporated.

3. Payment of Initial Permit Fee, Expiration Date December 31:

Remit the permit fee for Class D permits in the amount of \$250.00 and remit surety in cash in the amount of \$100.00 at the time the original application is submitted.

The check or money order will be held in deposit at the State Treasury until action has been completed by the Board. If the Board fails to initially approve this application the accompanying fees will be returned. Once the application has been initially acted on by the Board and approved none of the fees shall be returned except for the cash surety which would be refunded if the application is cancelled or denied.

Failure to meet all requirements on the application within (60) days after Board approval will result in cancellation of the application and all fees will be forfeited.

4. Return of Completed Application:

This application must be recorded as received in the Board Office in Montgomery with all required sections completed at least thirty (30) days prior to Board's next regular scheduled meeting for consideration at that meeting.

5. Appearing before the Board:

Applicants may be required to appear before the Board in person in support of their application. If an applicant is required to appear, the Board Administrator will notify the applicant within seven (7) days of the Board's next regular meeting.

6. Give a brief history of your experience with LP gas installations.

SECTION IV

Following approval of application the applicant must within sixty (60) days after notification comply with the following:

1. Insurance:

File Certificate of Insurance on the form provided by the Board.

2. Board Examination

The applicant is responsible to ensure that all employees who will be working under his Class “D” permit have taken and satisfactorily completed the required examinations within sixty (60) days after the applicant has been notified by the Board his application has been approved. The applicant further agrees that any new employee will be required to take and pass a written examination within thirty (30) days of employment. These examinations will be prepared and given by the LP-Gas Board at a time and place designated by the Board.

SECTION V

The undersigned petitioner hereby requests that this application be approved by the Alabama LP-Gas Board and certifies that he has read the above application and is familiar with its contents and that the information set forth by him in the application and attachments is true and correct.

By: _____
(Signature of Applicant)

(Owner or Authorized Representative)

The State of Alabama

Before me, the undersigned authority,
on this day personally appeared

County of _____

known to me to be such person, who after having been by me first sworn, deposes and says on oath that he is the same person who subscribed the name of the above stated applicant to the foregoing instrument, and that he signed the same as the deed and act of said applicant and in the capacity therein set forth, and that he has carefully read the foregoing statements and representations made in said instrument and attachments, and that the same are true in substance and in fact.

Subscribed and sworn to before me this _____ day of _____
20 _____

Notary Public, _____
County

SECTION VI
FOR USE ONLY BY THE ADMINISTRATOR
OF THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

Date application received by the Administrator: _____ 20 ____

Date application considered by the Board: _____ 20 ____

Action by the Board: ☐ Approved ☐ Disapproved ☐ Other

Explanation of Board Action: _____

Date applicant advised of action on application: _____ 20 ____

Date Board examinations satisfactorily completed: _____ 20 ____

Date of receipt of bond and insurance requirements: _____ 20 ____

Date of issuance of permit: _____ 20 ____ Number _____

Sworn and attested to by:

(Administrator, Alabama LP-Gas Board)

_____ day of _____, 20 ____

ALABAMA LP-GAS BOARD

P.O. Box 1742

Montgomery, Alabama 36102-1742

APPLICATION FOR CLASS "E" PERMIT
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

Information required in this form must be typed.

SECTION II

1. What is the extent of the territory you propose to serve? _____

2. I will provide an adequate safety training program for my personnel of my company _____
Initials
3. I will agree to take advantage of educational and training programs which are made available to myself and my personnel _____
Initials
4. I agree that all my service personnel will have a thorough knowledge of all rules and regulations administered by the Board and they will be thoroughly familiar with all standards that pertain to LP-gas meter calibration. _____
Initials

SECTION III

The following designated attachments are required to accompany this application:

1. Equipment Standards

Furnish us with this application a calibration report for each of the applicants meter provers by the U.S. Bureau of Standards.

2. Evidence of Financial Responsibility

A financial statement prepared by a Certified Public or Registered Accountant for the owner and/or corporation, representing a complete and accurate account of the applicant's financial status, to meet minimum equipment expenditures and operating capital.

3. Articles of Incorporation:

Include one copy of your company's or individual articles of incorporation.

4. Payment of Initial Permit Fee, Expiration Date December 31:

Remit the permit application fee for Class E permit in the amount of \$50.00 and remit surety in cash in the amount of \$100.00 at the time the original application is submitted.

The check or money order will be held in deposit at the State Treasury until action has been completed by the Board. If the Board fails to initially approve this application the accompanying fees will be returned. Once the application has been initially acted on by the Board and approved none of the fees shall be returned except for the cash surety which would be refunded if the application is cancelled or denied.

Failure to meet all the requirements on the application within (60) sixty days after Board approval will result in cancellation of the application and all fees will be forfeited..

5. Return of Completed Application:

This application must be recorded as received in the Board Office in Montgomery with all required sections completed at least thirty (30) days prior to Board's next regular scheduled meeting for consideration at that meeting.

6. Appearing Before Board:

Applicants may be required to appear before the Board in person in support of their application. If an applicant is required to appear, the Board Administrator will notify the applicant within seven (7) days of the Board's next regular meeting.

7. Give a brief history of your experience with LP-Gas Meter repair and/or Calibration.

SECTION IV

Following approval of application the applicant must within sixty (60) days after notification comply with the following:

1. Insurance:

File Certificate of Insurance on the form provided by the Board.

2. Board Examination

The applicant is responsible to ensure that all employees who will be working under his Class “E” permit have taken and satisfactorily completed the required examinations within sixty (60) days after the applicant has been notified by the Board his application has been approved. The applicant further agrees that any new employee will be required to take and pass a written examination within thirty (30) days of employment. These examinations will be prepared and given by the LP-Gas Board at a time and place designated by the Board.

SECTION V

The undersigned petitioner hereby requests that this application be approved by the Alabama LP-Gas Board and certifies that he has read the above application and is familiar with its contents and that the information set forth by him in the application and attachments is true and correct.

By: _____
(Signature of Applicant)

(Owner or Authorized Representative)

The State of Alabama

Before me, the undersigned authority, on this
day personally appeared

County of _____

known to me to be such person, who after having been by me first sworn, deposes and says on oath that he is the same person who subscribed the name of the above stated applicant to the foregoing instrument, and that he signed the same as the deed and act of said applicant and in the capacity therein set forth, and that he has carefully read the foregoing statements and representations made in said instrument and attachments, and that the same are true in substance and in fact.

Subscribed and sworn to before me this _____ day of _____
20 _____

Notary Public, _____
County

SECTION VI
FOR USE ONLY BY THE ADMINISTRATOR
OF THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

Date application received by the Administrator: _____ 20 ____

Date application considered by the Board: _____ 20 ____

Action by the Board: ☐ Approved ☐ Disapproved ☐ Other

Explanation of Board Action: _____

Date applicant advised of action on application: _____ 20 ____

Date of Receipt of Bond and Insurance Requirements: _____ 20 ____

Date of Insurance of Permit: _____ 20 ____ Number _____

Sworn and attested to by:

(Administrator, Alabama LP-Gas Board)

_____ day of _____, 20 ____

ALABAMA LP-GAS BOARD
P.O. Box 1742
Montgomery, Alabama 36102-1742

Adopted April 14, 1970 as Alabama Liquefied Petroleum Gas Board Regulation
No. 11

(f) Class “F” Permit Application

APPLICATION FOR CLASS “F” PERMIT
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

Application for a Class F permit is hereby made in accordance with Section 9-17-105, **Code of Alabama, 1975.**

All information on this form must be typed:

SECTION I

Date application executed: _____

(Full Name of Company)

Street Address: _____ P.O. Box _____

City or Town: _____ State: _____

Zip Code Number: _____ Telephone No.: _____

The above designated company is: ☐ Corporation ☐ Partnership

☐ Individual - Unincorporated

OFFICERS, PARTNERS OR OWNERS

Name	Position	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand according to State Law this permit is only valid to fill cylinders and/or motor fuel containers of 351 pounds or less at the stationary location listed below. I also understand a separate permit is required for each station. _____

Initials

Street Address: _____ P.O. Box _____

City or Town: _____ Zip Code: _____

Telephone No.: (334) _____

List names of employees who will engage in the business of filling cylinders and/or motor fuel containers.

1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

SECTION II

1. What is the extent of the territory you propose to serve? _____

2. I will provide an adequate safety training program for my personnel. _____
Initials
3. I will agree to take advantage of educational and training programs which are made available to myself and my personnel. _____
Initials
4. I agree that all my employees who will fill LP-gas cylinders and/or motor fuel containers will have a thorough knowledge of how to inspect such cylinders to insure they can be serviced properly. _____
Initials
5. I agree that all my employees will have a thorough knowledge of all rules and regulations administered by the Alabama LP-Gas Board. _____
Initial
6. I understand that State Regulations require all DOT Cylinders of 250 pound water capacity or less to be charged by weight only. _____
Initial

SECTION III

1. Evidence of Financial Responsibility:

A financial statement prepared by a Certified Public or Registered Accountant for the owner and/or corporation, representing a complete and accurate account of the applicant's financial status, to meet minimum equipment expenditures and operating capital.

2. Articles of Incorporation:

Include on copy of your company's or individual's articles of incorporation.

3. Payment of Initial Permit Fee, Expiration Date December 31, each year

Remit the permit application fee for Class "F" permit in the amount of \$100.00 and remit surety in cash in the amount of \$100.00 at the time the original application is submitted.

The check or money order will be held on deposit at the State Treasury until action has been completed by the Board. If the Board fails to initially approve this application the accompanying fees will be returned. Once the application has been initially acted on by the Board and approved none of the fees shall be returned except for the cash surety which would be refunded if the application is cancelled or denied.

Failure to meet all requirements on the application within (60) sixty days after the Board approval will result in cancellation of the application and all fees will be forfeited.

4. Return of Completed Application:

This application must be recorded as received in the Board Office in Montgomery with all required sections completed at least thirty (30) days prior to Board's next regular scheduled meeting for consideration at that meeting.

5. Appearing Before Board:

Applicants may be required to appear before the Board in person in support of their application. If an applicant is required to appear: the Board Administrator will notify the applicant within seven (7) days of the Board's next regular meeting.

6. Give a brief history of your experience with LP-Gas.

SECTION IV

Following approval of application the applicant must within sixty (60) days after notification comply with the following:

1. Surety in cash, Insurance and Written Examinations:

Execute and file with the Board a surety in cash in the amount of \$100.00 and file evidence of insurance on the provided form as required by Section 9-17-105, Code of Alabama, 1975. Return completed Board Examinations.

SECTION V

The undersigned petitioner hereby requests that this application be approved by the Alabama LP-Gas Board and certifies that he has read the above application and is familiar with its contents and that the information set forth by him in the application and attachments is true and correct.

By: _____
(Signature of Applicant)

(Owner or Authorized Representative)

The State of Alabama

Before me, the undersigned authority,
on this day personally appeared

County of _____

known to me to be such person, who after having been by me first sworn, deposes and says on oath that he is the same person who subscribed the name of the above stated applicant to the foregoing instrument, and that he signed the same as the deed and act of said applicant and in the capacity therein set forth, and that he has carefully read the foregoing statements and representations made in said instrument and attachments, and that the same are true in substance and in fact.

Subscribed and sworn to before me this _____ day of _____
20 _____

Notary Public, _____

County

SECTION VI
FOR USE ONLY BY THE ADMINISTRATOR
OF THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

Date application received by the Administrator: _____ 20 ____

Date application considered by the Board: _____ 20 ____

Action by the Board: ☐ Approved ☐ Disapproved ☐ Other

Explanation of Board Action: _____

Date filling facilities approved _____

Date written examinations completed _____

Date applicant advised of action on application: _____ 20 ____

Date of Receipt of Bond and Insurance Requirements: _____ 20 ____

Date of Issuance of Permit: _____ 20 ____ Number _____

Temporary Permit _____ 20 ____

Sworn and attested to by:

(Administrator, Alabama LP-Gas Board)
_____ day of _____, 20 ____

ALABAMA LP-GAS BOARD
P.O. Box 1742
Montgomery, Alabama 36102-1742

Statutory Authority §9-17-105, **Code of Alabama, 1975**, as amended, adopted
October 4, 1984.

530-X-2-.14 **LIQUEFIED PETROLEUM MOTOR FUEL FLAT RATE FEES.** In lieu of an excise tax on liquefied petroleum gas used to propel motor vehicles over the highways of this state, there is hereby levied an annual flat rate fee on the following vehicles which require a motor vehicle license using liquefied petroleum gas as fuel:

- | | |
|---|----------|
| (1) passenger automobile, pickup trucks under one ton | \$75.00 |
| (2) flatbed trucks, vans and trucks one ton or over | \$85.00 |
| (3) bobtail trucks | \$150.00 |
| (4) tractor/trailer units | \$175.00 |

(a) Every person owning and/or operating such vehicles shall make application for and obtain an annual decal from the Liquefied Petroleum Gas Board which shall serve as an identification marker that said flat fee has been paid. Each decal issued by the Liquefied Petroleum Gas Board shall not exceed a cost of \$5.00. The decal shall be in such form and of such size as the Liquefied Petroleum Gas Board shall prescribe. Such decal shall be attached or affixed to the vehicle in the place and manner prescribed by the Liquefied Petroleum Gas Board. The first decals, provided for in this act shall be issued October 1, 1980 for a term of six months and thereafter the term of the decals shall begin at April 1 of each year and expire on March 31 of the following year. If any passenger automobile or truck is acquired, LPG system installed or vehicle put in operation after September 30, the fee shall be one half the flat fee stated in Section 1.

(b) Every person required to make application for and receive a decal under this act shall at the time of making said application remit to the Liquefied Petroleum Gas Board the total amount of the flat fee due, plus the cost of the decal issued. The proceeds of the flat fee shall be deposited by the Liquefied Petroleum Gas Board in the State Treasury to the credit of the Public Road and Bridge Fund. The proceeds of the decal issuance fee shall be deposited in the State Treasury to the credit of the Liquefied Petroleum Gas Board. Any administration costs relating to such decals shall be paid by the Liquefied Petroleum Gas Board from such fees collected. Said costs are hereby appropriated from the Liquefied Petroleum Gas Board Fund.

(c) The Liquefied Petroleum Gas Board is authorized to promulgate any rules and regulations necessary to carry out the provisions of this act.

(d) Any person who fails to obtain a current decal within (30) thirty days of the date said decal is required as provided in this act, shall be liable for a penalty of 20% of the fee required at the date decal is purchased in addition to the fee. Said penalty shall be paid at the same time and in the same manner as the flat fee; and such penalty shall be deposited by the Liquefied Petroleum Gas Board in the State Treasury, to the credit of the Liquefied Petroleum Gas Board Fund.

(e) If an out of state vehicle comes to a propane dealer in the state of Alabama to purchase fuel, the dealer must collect in lieu of any fees levied by this act, an amount equal to the current Alabama Motor Fuel tax in effect and remit these funds to the Alabama LP-Gas Board before the 20th of the following month after the date of the sale.

(f) Any vehicles owned and operated by the state or any incorporated municipality therein or any vehicle not requiring a license plate or motor vehicle license, including but not limited to, fork lift trucks and agricultural vehicles shall not be subject to the provisions of this act.

(g) All LP-gas motor fuel filling stations shall have a sign displayed that is legible and in plain view of the general public. The sign shall read, "All motor vehicles licensed in Alabama that use LP-gas as a motor fuel are required by law to have displayed, a current LP-gas motor fuel decal purchased through the Alabama LP-Gas Board. The price of the decal covers the Alabama Motor Fuel Tax for the year of issuance. Operation of an LP-gas powered vehicle licensed in Alabama, upon the public roads and highways of Alabama, without the required decal subjects the owner and/or operator to a fine of up to \$1000.00 and/or up to six months in the County Jail.

Adopted October 2, 1980 as Alabama Liquefied Petroleum Gas Board Regulation No. 13.

530-X-2.15 QUALIFICATION OF PERSONS PERFORMING WORK ON LP-GAS SYSTEMS. In the interest of safety and for the protection of life and property, it shall be required of any end user or person who authorizes the maintenance and/or repair, installation, adjustment and servicing of liquefied petroleum gas appliances such as ranges, heat producing devices, hot water heaters, etc., containers, tanks and/or systems in the State of Alabama to insure that any person, firm or corporation that they may employ and/or authorize to make such repair has a current Class A or Class C permit issued by the Alabama Liquefied Petroleum Gas Board to perform maintenance and/or repairs, installation, adjustments and/or servicing of any liquefied petroleum gas appliances such as ranges, heat producing devices, hot water heaters, etc., containers, tanks and/or systems.

It shall be required of any end user and/or person authorizing any actions listed in this regulation where such actions are completed by any person, firm or corporation other than by the dealer who services the liquefied petroleum gas system to notify as soon as possible the liquefied petroleum gas dealer or any other liquefied petroleum gas dealer that may be authorized to service the affected liquefied petroleum gas system where such actions were taken. This notification shall include the name of the person, firm or corporation that performed the work and/or service. End user or person making the notification required by this

regulation shall specify what actions were taken to the affected liquefied petroleum gas system such as, adding piping, appliances, spaceheaters, etc. The end user or person authorizing such actions shall be required to make the described notification within five (5) work days or before the liquefied petroleum gas system is next serviced with liquefied petroleum gas whichever occurs first. It is unlawful for any person, firm or corporation to repair, install, adjust and/or service any liquefied petroleum gas appliances, components, containers, tanks and/or systems in this state unless such person has first met all of the lawful requirements and has first obtained a valid permit issued by the Alabama Liquefied Petroleum Gas Board.

Any person, firm or corporation violating any provision of this regulation upon conviction, shall be subject to penalties as prescribed by Section 9-17-109 A of the **Code of Alabama, 1975** as amended;

If any part of this regulation is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Statutory Authority § 9-17-105 **Code of Alabama, 1975** as amended, adopted July 11, 1985.

530-X-2.17. REPLACEMENT OF LP-GAS CONTAINER DATA PLATES. When the data plate(s) on any LP gas container shows signs of becoming illegible, application may be made to the liquefied petroleum gas board for issuance of a replacement data plate.

Replacement data plate applications shall contain the following minimum information:

1. Applicant's full name, address and telephone number. Manufacturer's name, serial number, working pressure and water gallon capacity of the container, and year of manufacture.
2. Optional information:
 - A. Container data sheet
 - B. National Board number

The container shall be in a serviceable condition, the original data plate shall be legible and on the container as affixed by the container manufacturer.

Under no circumstances shall a replacement data plate be issued:

1. If in the opinion of the board inspector the container is not in a serviceable condition.
2. If the original data plate does not contain the manufacturer name, serial number, working pressure, water gallon capacity and year of manufacture. If any of the

aforementioned information is illegible it may be obtained from the container data sheet.

3. If the container data plate is not affixed to the container in the original manner.

When the board inspector finds any of the required information illegible on the container data plate he may use the container data sheet to obtain or verify the required information; provided, in the board inspector's opinion, he has determined and is satisfied that the data sheet submitted with the application is for the container the replacement is being applied for.

After receipt of the application and payment of the prescribed fees, the administrator shall review the documents and if found to be in order schedule a time for the replacement data plate to be attached to the container(s) by a representative of said board. Attachment of the replacement data plate shall be made with cement or other suitable means and the data plate shall only be affixed to the container at the permit holder's principal place of business, which could include offices at branch locations. In cases where containers are privately owned the servicing LP-gas permit holder shall transport the container(s) into his place of business to have the data plate replaced.

The minimum fee for a replacement data plate(s) shall be the greater of one hundred dollars (\$100.00) a day or twenty-five dollars (\$25.00) for each replacement data plate(s) except: When a minimum of twenty-five (25) containers are to have replacement data plates attached in one visit at one location, the fee will be twenty dollars (\$20.00) per plate stamped.

In addition to the aforementioned fees, per diem and actual travel expenses (including mileage) of the LP-gas board representative shall be paid at the rate that is currently prescribed by the state for its state employees for each trip or portion of a trip in connection with the replacement of a container data plate. Per diem, travel expenses (including mileage) shall not be refundable under any circumstances.

Under no circumstances shall the application or replacement data plate fees be refundable once the replacement container data plate has been stamped.

If any part of this regulation is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Statutory Authority §9-17-103, **Code of Alabama, 1975 as amended**, adopted July 11, 1991.

Author: Leonard Pakruda

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